

**HUMAN RESOURCES POLICIES
AND PROCEDURES MANUAL
FOR
COTTONWOOD HEIGHTS**

Approved: September 1, 2015

**This document supersedes all personnel policies and procedures
previously established or approved by Cottonwood Heights.**

NOTWITHSTANDING ANYTHING IN THIS MANUAL TO THE CONTRARY, THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPRESS OR IMPLIED CONTRACT; SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY CITY EMPLOYEE; AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM "AT-WILL" MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED WITH OR WITHOUT CAUSE, SUBJECT TO LEGAL REQUIREMENTS. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MAYOR OF THE CITY.

It is the policy of the city of Cottonwood Heights (the "City") to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the City and its employees.

It is also the policy of the City to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, the City will not engage in, nor tolerate, any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability, age, or veteran's status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

Additionally, it is the policy of the City to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the City by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The City reserves the right to change any of its policies and/or procedures in this Manual at any time in the future for any reason without prior notice. Therefore, if you have suggestions or comments concerning the content of this Manual, please submit them, in writing, to the HR Director for review.

The provisions of this Manual are subject to the requirements of any conflicting state or federal laws. Further, certain of the City's administrative policies and procedures are codified in Title 2 ("*Title 2*"), COTTONWOOD HEIGHTS CODE OF ORDINANCES (the "*City Code*"), which is subject to amendment by the City Council at any time. Consequently, although the City endeavors to assure that this Manual is modified as necessary to comply with any amendments to the City Code, in the event of any conflict between this Manual and the City Code, the City Code shall control.

INTRODUCTION

Dear Employee,

As a new employee of Cottonwood Heights, you have become a valued member of our team. Together, we as staff serve the citizens of the City, provide support to the City Council, and assist one another in providing quality municipal services.

It is our objective to work in a pleasant environment; one which will enhance your professional experience and provide conditions for enjoyment of your personal life outside our office.

It is also important that we work together as policies are presented for consideration to the City Council. There are many policies which will overlap departments, so communication and cooperation are vital.

The intent of this manual (this "*Manual*") is to provide guidance to management and employees. It is not intended to be comprehensive or to address all possible situations. If you have questions regarding a policy or practice, please contact the Human Resource Director or designee (the "*HR Director*"). Also, please note that in the absence of a designated HR Director, the City Manager or designee shall fulfill the functions of the HR Director under this Manual.

We endeavor to:

- Recognize the citizens with whom we come in contact as people of importance and treat them with respect and professionalism consistent with our commitment to customer service.
- Provide high quality research behind our recommendations, whether budget, land use or policy proposals.
- Stay within department budgets.
- Fulfill City Council objectives in a professional manner.
- Implement City Council policies fairly and equally.

We want you to become an integrated part of the team by attending our monthly staff meetings, taking advantage of training opportunities the City will provide, and enjoying the camaraderie of our workplace.

Welcome to Cottonwood Heights.

John Park

John Park
City Manager

TABLE OF CONTENTS

PREFACE	2
INTRODUCTION	3
TABLE OF CONTENTS	4
SECTION 1: EQUAL EMPLOYMENT OPPORTUNITY	9
1. General Policy	9
2. Supervisor Responsibilities.....	9
3. Employee Responsibilities	9
SECTION 2: PROTECTION FROM CONTRACTOR CAUSED LOSSES AND LIABILITIES	10
1. General Policy	10
SECTION 3: EMPLOYEE HIRING	11
1. General Policy	11
2. Recruitment	11
3. Job Description	11
4. Job Announcements	11
5. Selection	11
6. Placement	12
7. Volunteers	13
SECTION 4: ALCOHOL AND DRUG FREE WORKPLACE	15
1. General Policy	15
2. Employee Responsibilities.....	15
3. Disciplinary Action	15
SECTION 5: ALCOHOL AND DRUG TESTING.....	16
1. General Policy	16
2. Duty to Submit to Testing.....	16
3. Scope	16
4. Definitions	16
5. General Testing Policies	17
6. Accident Testing	20
7. Consequences of Positive Test	20
8. Follow-Up Testing	21
9. General	21
SECTION 6: SEXUAL/GENDER HARASSMENT	23
1. General Policy	23
2. Prohibited Conduct	23
3. Types of Corrective Action	24
4. Disciplinary Action	25
5. Maintaining Complaint Files.....	25
6. Victim Protection	25
7. Dating, Sexual Relationships and/or Romantic Relationships Between Employees	26

SECTION 7: EMPLOYEE CODE OF CONDUCT	27
1. Appearance	27
2. Assignments	27
3. Attendance and Punctuality	27
4. Breaks; Lunch	27
5. Confidentiality	27
6. Conservation	27
7. Courtesy	27
8. Credit Cards	28
9. Ethics Act	28
10. Expenses	28
11. Gifts and Gratuities.	28
12. Interaction with Elected Officials	28
13. Outside Activities	28
14. Personal Use of City Office Items and Systems	29
15. Political Activity	30
16. Privileged Information	30
17. Public Relations	30
18. Purchasing	30
19. Secondary Employment	30
20. Smoking, Etc	31
21. Time Sheets	31
22. Work Place Searches	31
23. Social Media	31
24. City Information Systems	34
25. Employee Use of City Owned Personal Communication Devices	36
SECTION 8: DISCIPLINARY ACTION	39
1. General Policy	39
2. Types of Disciplinary Action	39
3. Causes for Disciplinary Action	40
4. Conducting an Investigation.....	42
5. Imposing Disciplinary Action	42
6. Appeal Procedures	42
SECTION 9: GRIEVANCE PROCEDURES	43
1. General Policy	43
2. Confidentiality	44
3. Filing	44
SECTION 10: TERMINATION OF EMPLOYMENT	45
1. Types of Termination	45
2. Prior Notice Required for Rehire	45
3. Termination Procedures.....	46
4. COBRA	46
SECTION 11: RECORD KEEPING	47
1. General Policy	47
2. Confidentiality	47
3. Personnel Files Requirements	47

SECTION 12: PERFORMANCE EVALUATIONS.....	49
1. General Policy	49
2. Specific Performance Objectives.....	49
3. Performance Ratings	49
4. Performance Periods	50
5. Confidentiality	50
SECTION 13: EMPLOYMENT CLASSIFICATIONS/COMPENSATION	51
1. General Policy	51
2. Employment Classifications.....	51
3. Employment Status	51
4. Work Week	51
5. Work Hours	52
6. On-Call	52
7. Call Out	52
8. Compensatory Time Off	52
9. Overtime Compensation	52
10. Premium Pay	53
11. Parade Pay	53
12. City Event Pay	53
13. Time Sheets	53
14. Safe Harbor Provision	53
SECTION 14: SALARY PLANNING	54
1. General Policy	54
2. Compensation Plan Development and Allocation.....	54
3. Appointment	54
4. Merit Increases	54
5. Selective Salary Adjustments	55
6. Longevity Increase	55
7. Cost of Living Adjustments (COLA)	55
8. Achievement Recognition	55
9. Order of Salary Calculation.....	55
10. Reassignment	56
11. Reclassification	56
SECTION 15: PAYROLL ADMINISTRATION	57
1. Pay Periods	57
2. Pay Days	57
3. Direct Deposit/Pay Check.....	57
4. Minimum Wage/Salary	57
5. Pay Deductions	57
6. Confidentiality of Payroll Among Employees	57
SECTION 16: REIMBURSABLE EXPENSES	58
1. General Policy	58
2. Training and Conferences.....	58
3. Travel Policy	58
SECTION 17: BENEFITS	59
1. General Eligibility Criteria.....	59

2. Workers' Compensation.....	59
3. Long-Term and Short-Term Disability Coverage	59
4. Medical, Dental, Vision and Life Insurance Coverage	59
5. Waiver of Health Insurance Coverage.....	59
6. COBRA	59
7. Section 125 Flex Benefit Plan	59
8. State and Federal Unemployment	59
9. Retirement System	59
10. Social Security/FICA	59
11. Deferred Compensation/Savings Plan.....	59
12. Tuition Reimbursement	60
13. Recreation Center	60
14. Holidays	60
15. PTO	60
16. Other	60
 SECTION 18: FAMILY AND MEDICAL LEAVE ACT (FMLA).....	 61
1. General Policy	61
2. Eligibility Criteria	61
3. What Qualifies as an FMLA Leave?	61
4. Notice	61
5. Commencement	61
6. Additional Information	61
 SECTION 19: LEAVE	 62
1. Absent Without Leave	62
2. Paid Time Off (PTO) --Non-Sworn Employees	62
3. Vacation / Sick Leave--Sworn Employees.....	62
4. Holiday Leave	65
5. Maternity Leave	66
6. Injury Leave	66
7. Emergency Leave	66
8. Military Leave	66
9. Jury Leave	66
10. Administrative Leave With Pay	66
11. Leave Without Pay	66
12. Documentation of Leave	67
 SECTION 20: GENERAL SAFETY.....	 68
1. General Policy	68
2. Proper Use of City Equipment and Tools.....	68
3. Proper Use of City Vehicles	68
 SECTION 21: EMPLOYEE WEAPONS AND BADGING.....	 69
1. General Policy	69
 SECTION 22: UTAH OSHA REQUIREMENTS	 70
1. General Policy	70
2. Posting UOSHA Notices	70
3. Inspection Procedures	70
4. Accident Reporting Procedures.....	70

SECTION 23: CONFINED SPACE ENTRY	72
1. General Policy	72
2. Requirements	72
SECTION 24: DISASTER RESPONSE PLANNING	73
SECTION 25: GUIDELINES FOR PARTICIPATING IN ELECTIONS.....	74
1. General Policy	74
2. Candidate Requirements.....	74

SECTION 1
EQUAL EMPLOYMENT OPPORTUNITY

1. **GENERAL POLICY.** It is the City's policy to comply with Equal Employment Opportunity ("EEO") standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc, without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status.
2. **SUPERVISOR RESPONSIBILITIES.** The City Manager or designee (the "*City Manager*") , will ensure that the City is in compliance with all of the personnel policies and procedures in this Manual, including all EEO standards. Additionally, the City Manager or HR Director will ensure that each employee receives a copy of this Manual and that the employee signs and dates a policy statement and acknowledgment form stating receipt of this Manual. The HR Director will then file the signed and dated policy statement and acknowledgment form in the employee's personnel file. Employees will be notified of any material changes to this Manual. At appropriate intervals new copies of this Manual will be distributed. A copy of the booklet detailing City-provided benefits will be updated and available annually.
3. **EMPLOYEE RESPONSIBILITIES.** Employees are responsible for informing themselves about the policies, practices, and benefits set forth in this Manual by reading them and, if necessary, asking a supervisor to explain them. Additionally, all employees are required to sign and date a policy statement and acknowledgment form confirming receipt of this Manual as well as any updates to this Manual made from time to time.

SECTION 2

PROTECTION FROM CONTRACTOR-CAUSED LOSSES AND LIABILITIES

1. **GENERAL POLICY.** It is the policy of the City to follow the City's procurement code in obtaining goods and services for the City. The City will endeavor to take all necessary precautions and steps in written contracts to prevent loss and liability arising from the City entering into relationships with independent contractors. All such independent contractor agreements should be reviewed by the City Attorney.

SECTION 3

EMPLOYEE HIRING

1. **GENERAL POLICY.** It is the intent of the City to (A) fill all positions with the most suitable applicant, and (B) consider qualified in-house applicants when appropriate.
2. **RECRUITMENT.** All recruitment shall be conducted in accordance with applicable equal opportunity guidelines with an effort to hire the most qualified candidate for the position.
3. **JOB DESCRIPTION.** A job description defining the essential functions of any vacant position shall be prepared before the vacancy is formally posted or otherwise advertised.
4. **JOB ANNOUNCEMENTS.** Notices for all job openings will be posted on the City's website, in the City's foyer, with the Department of Workforce Services, and on the Utah League of Cities and Towns website. Other advertising sources may be used to fill open positions when applicable to the position, such as a college or trade website or a daily newspaper.
 - A. Each job notice shall be posted for a minimum of five days.
 - B. Each job announcement will contain a statement indicating that the City is an equal opportunity employer.
 - C. In the case of an internal promotion that does not require replacing an existing employee, an internal job announcement will be issued.
5. **SELECTION.**
 - A. Nepotism. It is the policy of the City to comply with the provisions of Utah's anti-nepotism act, UTAH CODE ANN. §52-3-1 *et seq.*, and with City Code Section 2.50.170 "Nepotism."
 - B. Employment. It is the policy of the City that no one under the age of sixteen (16) shall be hired for any position. Employees 16 and 17 years of age shall not be employed in any occupation which the Secretary of Labor "shall find and by order declare to be particularly hazardous or detrimental to their health and well being" as set forth in WH Publication 1330, entitled "Child Labor Requirements in Nonagricultural Occupations," or its successor.
 - C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications; provided, however, that rehires of former employees, into the same position, within 12 months after termination are subject only to negotiations with the City Manager upon recommendation of the department director. The City Manager will review the former employee's personnel file and the circumstances surrounding termination of previous employment with the City, and may take those factors into account in determining whether to offer new employment.
 - (1) Former employees who have been terminated for cause, who voluntarily resigned while facing disciplinary action, or who quit without notice, shall not be eligible for rehire under this section and must go through the complete hiring process.
 - (2) Employees who left owing the City money (other than situations where the City affirmatively agreed in writing at the time of departure that money owing by the employee could be re-paid over a specified time period and such money was in fact timely repaid), or who did not turn in all City equipment as required, shall not be eligible for rehire under this section and must go through the complete hiring process.

(3) Except as otherwise specified in this Manual, applicants who are rehired shall be treated as new employees.

D. Job Applications. All interested job applicants shall complete a job application in such form as the City may require.

(1) All applications and resumes received for the job opening will be forwarded to the HR Director or designee.

(2) Job applications shall be signed by the job applicant, and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire. Falsifying a job application, or failure to provide true and correct educational transcripts, is grounds for termination.

E. Other Tests. Job applicants may be required to take other tests which the City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist, such as mathematics or timed typing tests. When the City uses other ability tests, the City shall make reasonable accommodations for disabled applicants if required by the Americans with Disabilities Act ("ADA") or other applicable law.

F. Preliminary Screening. All applications will be reviewed by the HR Director and may be rejected for any legal reason, including, without limitation, the following:

- (1) Does not meet minimum qualifications established for the position.
- (2) Has falsified a material fact or failed to complete the job application.
- (3) Has failed to timely file the job application.
- (4) Has an unsatisfactory employment history or poor, or inadequate, work references.
- (5) Has failed to attain a passing score on a skill test, if required.

G. Interviewing.

- (1) Selected applicants who pass the preliminary screening may be interviewed.
- (2) The job interview shall be consistent with this Manual and legal requirements.

H. Reference Checks. In order to facilitate reference checks, written permission shall be obtained from the applicant using the applicant's consent to release information form. The City may contact the references for each job applicant and ask job-related questions (consisting of similar questions for each job applicant checked).

6. PLACEMENT.

A. Job Offers. After a job applicant is approved by the City, the HR Director or hiring department head shall notify the successful job applicant of his conditional selection through a written job offer letter. The written conditional job offer letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol testing). Additionally, the written conditional job offer letter shall clearly state that the offer is not accepted until the candidate counter-signs the letter and returns it to the City by the requested date. The original job offer letter is then filed in the employee's personnel

file and a copy is given to the new employee during orientation. The job offer letter is not a contract or guarantee of employment for any specific period of time.

B. Notification Letters. As soon as practicable, non-selected job applicants should be notified. The HR Director may send a job rejection letter to each job applicant who was not selected for further consideration, or may make such contact by telephone or other electronic means.

C. Medical Examinations. After the City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by the City to determine a job applicant's ability to fulfill essential job related requirements. All costs for required medical interviews or physical examinations will be borne by the City. The prospective employee must sign a written release of this information to the City.

D. Reinstatements. Certain employees who are reinstated into the City may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:

(1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by the City within one year after the date of termination.

(2) Voluntary Termination. If specifically authorized by the City Manager at or about the time of rehire, an employee who voluntarily resigned employment with the City, with proper notice and while not facing disciplinary action, may maintain his original anniversary date for seniority purposes if he is re-employed by the City within one year after the date of termination.

E. New Employees. The HR Director is responsible for having new employees fill out all forms, including benefit applications and enrollment forms, and provide basic information on the City's policies.

F. Probationary Period.

(1) With the exception of the Police Department employees, who have a 12-month probationary period, all new employees, including temporary/seasonal employees who are hired as regular full-time or regular part-time employees, shall be subject to a six month probationary period, commencing on the first day of employment. During their probationary period, employees may be terminated without notice, without cause, without any right to due process, notice, explanation, or appeal in connection with said termination.

(2) Probationary employees may have several performance evaluations during the probationary period, which may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation, and the results of such evaluation, shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to his job/position.

7. VOLUNTEERS.

A. The City Manager, with approval of the City Council, may establish volunteer programs.

B. Use of volunteers shall be subject to any guideline adopted by the City Manager.

C. Prior to accepting any volunteer services, the City will provide each volunteer with guidelines defining the nature and terms of the volunteer services.

D. A volunteer shall be provided the protections as an employee of the City for:

(1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.

(2) Liability insurance coverage offered employees.

E. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with the City.

F. Except as specifically authorized by the City Manager, volunteers shall not operate City-owned vehicles or equipment.

G. Prior to hire, volunteers that may deal with money, vehicles or children will be drug tested.

SECTION 4
ALCOHOL AND DRUG FREE WORKPLACE

1. **GENERAL POLICY.** The City's policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

2. **EMPLOYEE RESPONSIBILITIES.**

A. No employee shall manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol in an unlawful manner.

B. Any employee charged or convicted with violating a federal or state law regulating controlled substances shall notify his supervisor and the City Manager within five days after such employee is informed of such charge or conviction.

C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work (including during breaks or lunch).

D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.

E. No employee shall represent the City in an official capacity while impaired by alcohol, illegal drugs, or medication.

F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the City.

G. If an employee is using any prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to his supervisor.

H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify his supervisor and the HR Director, or if the supervisor is not available, then another City supervisor.

3. **DISCIPLINARY ACTION.** Violation of any provision of this section will result in appropriate employee disciplinary action, up to and including termination.

SECTION 5
ALCOHOL AND DRUG TESTING

1. **GENERAL POLICY.** The manufacture, distribution, dispensing, possession or use of a controlled substance in an unlawful manner and/or the distribution, dispensing, possession, or use of alcohol in the City workplace or while on duty as a City employee, is expressly prohibited.

2. **DUTY TO SUBMIT TO TESTING.** In order to achieve a drug-free workplace, employees shall be required to participate in all of the following alcohol and controlled substances testing, which shall be performed by a qualified expert designated by the City:

A. When an applicant has been extended a conditional offer of employment but before beginning work.

B. When there is a reasonable suspicion to believe that the employee is in an impaired state.

C. When the employee has been involved in an "on-duty accident" or unsafe work practice.

D. On a random basis as allowed by law.

E. As a condition for return to duty after testing positive for controlled substances or alcohol.

F. As part of follow-up procedures to employment related drug or alcohol violations.

G. Once given the directive to take a drug test, the individual has three hours to take said test or he or she will be eliminated as a candidate, or if already hired, then subject to discipline up to and including termination.

3. **SCOPE.** This policy covers all employees of, and applicants for employment with, the City.

4. **DEFINITIONS.**

A. "*Alcohol*" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol, no matter how packaged or in what form the alcohol is stored, utilized or found.

B. "*Controlled substances*" mean marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or other substances which may only be legally obtained and used pursuant to a physician's prescription.

C. "*On duty accident*" means any accident causing injury to person or damage to property, or the issuance of a moving traffic citation to the employee.

D. "*Positive test*" means any test result showing a blood alcohol concentration ("*BAC*") of .02 or greater or the presence of any controlled substance in the test subject.

E. "*Refusal to submit to testing*" means failure to provide an adequate breath, urine, blood, saliva, or hair sample without a valid and verified medical explanation, after the employee has received notice that he is being tested, or engaging in conduct that clearly obstructs an accurate testing process.

F. "*Reasonable suspicion*" means knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.

G. *"Safety sensitive duties"* means any duties requiring a Commercial Drivers License ("CDL"), law enforcement duties, and any other duties or positions deemed safety sensitive.

H. *"Safety sensitive position"* means any position requiring or allowing the performance of safety sensitive duties.

5. **GENERAL TESTING POLICIES.** Employees must, as a condition of employment, abide by the terms of this policy. Each employee must promptly and fully report (a) the illegal use of controlled substances by himself or by any other employee, and (b) report to the supervisor any prescribed drugs that could reasonably impair or restrict performance.

A. Testing Notice.

(1) Before performing any alcohol or drug test authorized by this policy, the City, through the HR Director, shall notify the employee being tested, verbally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.

(2) City employees who, under City requirements, hold CDLs are required under rules established by the Federal Highway Administration to be subjected to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing. When conducting any of the above-noted tests on CDL employees, the City shall provide the employee with a notice substantially as follows:

"The drug and/or alcohol test you are being required to take is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991. If you refuse to submit to the required testing you may be subject to disciplinary action, up to and including termination."

(3) City employees who are not required by the City to hold a CDL, but who are employed in safety sensitive positions, while not subject to testing under federal statute, are subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing under this policy. When conducting any of the above noted tests on non-CDL safety sensitive position employees, the City shall provide the employee with a notice substantially as follows:

"The drug and/or alcohol test you are being required to take is required by the policies and procedures of the City. If you refuse to submit to the required testing you may be subject to disciplinary action, up to and including termination."

B. Pre-Employment Testing. The City requires a final applicant selected for any position with the City to undergo an alcohol and drug screening test to detect the presence of alcohol, illegal drugs or controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for any illegal drugs or controlled substances, or whose test detects a BAC of .02 or higher, may be denied employment with the City.

(1) Drug and alcohol testing shall be conducted after the selected applicant has been extended a conditional offer of employment but before beginning work.

(2) All of the City's job announcements and conditional offers of employment shall contain a notice substantially as follows:

"All applicants selected for employment with the City shall be required to take a drug and alcohol test with negative results as a precondition of employment. A positive test result or failure to submit to the required testing shall result in a withdrawal of any conditional offer of employment with the City."

(3) If the applicant tests positive for drugs or alcohol as set forth above, or refuses to submit to testing as defined by this policy, the conditional offer of employment shall be withdrawn orally or in writing and the applicant shall not be employed by the City.

C. Prohibited Conduct.

(1) While on duty, while on City premises, or while in City vehicles, employees shall not use, be under the influence of, be in the possession of, or be in such a condition as to test positive for, alcohol or controlled substances. City premises includes the City's owned or leased buildings, parking lots, grounds and rights-of-way, and City vehicles includes vehicles owned or leased by the City or personal vehicles being used for City business.

(2) Any employee violating this policy shall be subject disciplinary action up to and including termination.

D. Reasonable Suspicion Testing.

(1) When a supervisor or the HR Director makes a determination that there is reasonable suspicion to believe that an employee performing or assigned to a safety sensitive position is using, is under the influence or, or is in possession of alcohol or controlled substances, the employee shall be immediately subject to drug/alcohol testing. The supervisor making the determination that reasonable suspicion exists shall prepare written documentation setting forth the specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the employee which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.

(a) The required observations underlying reasonable suspicion testing must be made by a supervisor or by a City official who has received at least two hours of training on the physical, behavioral, speech, and performance indicators of alcohol and drug use.

(b) Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or City official within 24 hours or before the results of the test are announced, whichever is later.

(c) Reasonable suspicion testing may not be conducted by the same supervisor who makes the reasonable suspicion determination.

(2) Special requirements associated with reasonable suspicion alcohol testing.

(a) Alcohol testing is authorized only if the observations set forth by paragraph (D)(1) above are made during, just before, or just after the performance of a safety sensitive function.

(b) If an alcohol test is not administered within two hours following the identification of reasonable suspicion, the supervisor shall prepare and maintain documentation stating why the test was not administered within two hours.

(c) If an alcohol test is not administered within eight hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight hours.

(3) Special requirements associated with reasonable suspicion drug testing. If a drug test is not administered within 32 hours following the identification of reasonable suspicion, the supervisor shall cease

attempts to administer a controlled substance test, and shall prepare and maintain documentation stating why the test was not administered within 32 hours.

(4) Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any City vehicles or equipment, or engage in any employment-related duties which his supervisor deems dangerous to the employee or others, until the results of the tests are received and the employee is released back to work by the City Manager.

(5) An employee undergoing reasonable suspicion testing should be driven to the testing and then driven home, and should not be kept on the job.

E. Random Testing.

(1) Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests. Blood, urine and/or a breath test may be used.

(2) Random tests shall be both of the following:

(a) Unannounced.

(b) Reasonably spread throughout the year.

(3) Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.

(4) Random Testing for CDL Drivers.

(a) CDL drivers may be subjected to random alcohol testing only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

(b) Drug tests may be performed at any time the driver is on duty.

(5) Random Testing for Non-CDL Safety Sensitive Employees. Non-CDL safety sensitive employees may be subjected to random alcohol and drug tests any time the employee is on duty.

(6) Pool Testing - Consortiums.

(a) The City may join a consortium with testing pools large enough so that the City's CDL drivers are always subject to random testing and the required annual testing rate shall be met by tests conducted of all drivers within the pool.

(b) If and when the City chooses to join a drug/alcohol testing consortium, the City shall designate a liaison to coordinate with the testing consortium and obtain and maintain all of the following records and information:

(i) How the random selection pool was assembled.

(ii) The method of selection and notification of drivers.

(iii) The location of collection sites.

(iv) Methods of reporting the test results on each driver.

(v) Summary reports on the consortiums program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.

6. ACCIDENT TESTING.

A. Any CDL driver, or employee in a safety sensitive position, involved in an on duty accident shall be tested as soon as practical for alcohol and illegal or controlled drugs.

(1) An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.

(2) The results of tests conducted by federal, state, or local law enforcement officers having independent authority to conduct tests to detect alcohol or controlled substances may be used by the employer to meet post-accident testing requirements.

(3) Time frames for testing and consequences of failure to test:

(a) Alcohol.

(i) If the test is not administered within two hours following the accident, the supervisor shall prepare and submit documentation stating why the test was not administered within two hours.

(ii) If the test is not administered within eight hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and submit documentation stating why the test was not administered within eight hours.

(b) Controlled Substances. If the test is not administered within 32 hours following the accident, the supervisor shall cease attempts to administer a controlled substance test, and shall prepare and submit documentation stating why the test was not administered within 32 hours.

B. Upon required testing due to an accident or reasonable cause, the employee tested shall not engage in the operation of any City vehicles or equipment, or engage in any employment-related work until released by the department head or City Manager.

7. CONSEQUENCES OF POSITIVE TEST.

A. Alcohol.

(1) If any alcohol test result shows a BAC of 0.04 or greater, the employee shall be removed from, and cannot return to employment, until, at a minimum, all of the following are met:

(a) The employee undergoes evaluation by a substance abuse professional and, where necessary, rehabilitation to the extent the employee's insurance provides coverage or the employee privately pays for rehabilitation.

(b) The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.

(c) The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.

(2) If an employee's test results shows a BAC of greater than 0.02, but less than 0.04, the employee shall not be permitted to perform any duties for at least 24 hours.

(3) Drug/Controlled Substances. If a drug test result shows that the employee has misused a controlled substance, the employee shall be removed from, and cannot be returned to, employment until, at a minimum, all of the following conditions are met: (this must have a medical review)

(a) The employee undergoes evaluation by a substance abuse professional and, where necessary, rehabilitation to the extent the employee's insurance provides coverage or the employee privately pays for rehabilitation.

(b) The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.

(c) The employee undergoes a return-to-duty test by a City-approved physician with a verified negative test result for controlled substances.

(4) General.

(a) If through any of these detection methods or on his initiative, an employee tests positive or seeks rehabilitation treatment, the City will pay for an initial substance abuse evaluation.

(b) The City encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:

(i) Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued "paid time off" ("PTO") or other compensatory time until such is expended. The City will pay the employee's benefit package, but not wage supplements, during the allotted treatment time. Each incident will be reviewed on a case-by-case basis.

(ii) If a required treatment or rehabilitation program involves confinement, the employee's position may be held open guidelines, provided that the employee first exhausts all PTO. The employee may be restored to his former position upon successful completion of the treatment or rehabilitation. Each incident will be reviewed on a case-by-case basis.

8. **FOLLOW-UP TESTING.** Employees who have violated this policy and continue to work for the City shall be subject to follow-up drug/alcohol testing for a period of at least one, and not more than five, years.

A. Employees subject to follow up testing will be tested a minimum of six times in the first 12 months following their return to duty.

B. Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.

9. **GENERAL.**

A. The City maintains the right to conduct unannounced inspections of City-owned property, vehicles, work stations, equipment, desks, cabinets, etc.

B. The City reserves the right to utilize any and all detection methods necessary for the enforcement of this policy, including blood, urine, or other tests, and the use of electronic detection equipment and trained animals. Testing will include, at minimum, urinalysis.

C. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.

D. Employees may direct any questions regarding this policy to the HR Director.

E. Any violations of law will be referred to law enforcement officials.

F. Between the hours of 9:00 a.m. and 9:00 p.m. FirstMed (located at 1950 East 7000 South) is the City's primary testing provider. At other times, or if FirstMed is unavailable, Occupational Health Care (OHCI) will provide testing and can be reached at 801-561-2777 to provide on-site testing. The testing will include urinalysis and breathalyzer. The employee will be required to sign and complete all forms for processing and billing. Such providers are subject to change by the City.

G. Supervisors may initiate disciplinary action by submitting written charges of misconduct to the City Manager (or the Police Chief for employees of the city's police department, called "*sworn*" employees in this Manual) with recommendations for disciplinary action. The determination of whether to proceed with discipline, rehabilitation in addition to discipline or rehabilitation in lieu of discipline will be at the sole discretion of the City Manager. Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through their insurance provider, employees' assistance program or private pay. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance issues.

H. If the City Manager, in consultation with the appropriate department head, exercises the option of rehabilitation, the member must be tested for drugs and alcohol as part of a counseling, education, and /or treatment program recommended by a substance abuse professional. This testing will be conducted prior to the member returning to the same position and will continue for a period of time as recommended by the substance abuse professional.

SECTION 6
SEXUAL/GENDER HARASSMENT

1. GENERAL POLICY. It is the policy of the City that:

A. The giving or withholding of tangible job benefits based on the granting or refusal of sexual favors ("*quid pro quo*") and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile, abusive or unwelcome work environment constitutes sexual harassment.

B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, whether subtle or overt, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.

C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, or has testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.

D. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action against the accuser, up to and including termination.

E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.

F. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.

G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.

2. PROHIBITED CONDUCT.

A. Any deliberate, unwanted, or unwelcome behavior of a sexual or gender based nature, whether verbal, non-verbal, or physical is prohibited.

B. Two major categories of sexual/gender harassment are:

(1) *Quid pro quo*, or the granting or conditioning of job benefits for the granting of sexual favors or retaliation for the refusal of sexual favors.

(2) Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

(a) Level One: Sex role stereotyping.

(i) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that a specific gender may/should perform.

(ii) Comments or written material reinforcing traditional historic perceptions regarding gender.

(b) Level Two: Gender harassment/discrimination.

(i) Behavior or conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

(ii) Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.

(c) Level Three: Targeted or individual harassment.

(i) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.

(ii) Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.

(d) Level Four: Criminal touching.

(i) The intentional unwanted touching of the breasts, buttocks, or genitals of another.

(ii) Forcible sexual abuse.

3. **TYPES OF CORRECTIVE ACTION.** Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

(1) Employees who are experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above may, if they desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will result in a formal complaint. Employees experiencing sexual harassment at this level are not, however, required to use the informal process, and instead may file a formal complaint if desired.

(2) This notification may be through a supervisor or HR Director (or higher-level supervisor, if a supervisor is the employee engaging in the offensive behavior), verbally or in writing. The victim may:

(a) Ask a supervisor for assistance in determining what to say and how to approach the offending employee.

(b) Request a supervisor to accompany the victim when the victim gives the offending employee notice.

(c) Ask a supervisor to give notice to the offending employee, accompanied by the victim.

(d) Ask a supervisor to give notice to the offending employee, not accompanied by the victim.

B. Formal Action.

(1) Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Four as described above, or who have been subjected to *quid pro quo* type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.

(2) Formal complaints should be in writing and specify:

- (a) The identity of the victim.
- (b) The identity of the offending employee.
- (c) The offensive behavior that the employee engaged in.
- (d) The frequency of the offensive behavior.
- (e) Damage the victim suffered as a result of the offensive behavior.

(3) The victim will be allowed a reasonable amount of work time to prepare a formal complaint.

(4) The victim should submit the formal written complaint to the victim's immediate supervisor or HR Director. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next higher supervisor, the City Manager, or, if necessary, the City Attorney.

4. **DISCIPLINARY ACTION.** Employees found to have engaged in sexual harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee's work history.

5. **MAINTAINING COMPLAINT FILES.**

A. Information related to any sexual harassment complaint, proceeding or resolution shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.

B. Information contained in the sexual harassment complaint files shall be released only with the written authorization of the victim and the City Manager, or pursuant to subpoena or court order, in consultation with the City Attorney.

C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

6. **VICTIM PROTECTION.**

A. Individual complaints, either verbal or written, are confidential.

B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.

C. The accused shall be prohibited from privately contacting the victim regarding the alleged harassment.

D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.

(1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action, up to and including termination.

(2) Retaliation is an additional and separate disciplinary offense.

(3) Retaliation may consist of, but is not limited to, any of the following:

(a) Open hostility.

(b) Exclusion or ostracism.

(c) Special or more closely monitored attention to work performance.

(d) Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

7. DATING, SEXUAL RELATIONSHIPS, AND/OR ROMANTIC RELATIONSHIPS BETWEEN OR AMONG EMPLOYEES. Dating, sexual relationships and/or romantic relationships between or among employees are discouraged. Any such relationship must not interfere with an employee's work. The City expects employees who become involved in such relationships to exercise discretion and maturity in the manner in which they relate to each other at work. Dating, sexual relationships, and/or romantic relationships between or among employees of different levels of authority within the City may affect the morale of co-workers by creating actual or perceived favoritism and may create potential claims of discrimination or harassment. For these reasons, any party to such a relationship should not participate in formal or informal supervision, review or evaluation of the other employee(s) in such relationship. The City reserves the right to alter work assignments of parties engaged in such relationships in order to limit their professional contact, or in extreme cases where perception of prejudice is unavoidable, terminations or suspensions may of necessity be considered or required. If an employee is or becomes involved in such a relationship, all employees involved in the relationship must immediately notify the City Manager in writing of such relationship, and the writing must be signed by all employees intending to be involved in the relationship. For purposes of this subsection, email is not adequate written notice.

SECTION 7
EMPLOYEE CODE OF CONDUCT

1. **APPEARANCE.** City employees are expected to have socially acceptable hygiene and to dress in professional, modest attire which is appropriate to the job they are performing. Office personnel shall, at a minimum, dress in "casual business" attire, meaning clothing that is professional in appearance and is not unreasonably loose, baggy, revealing, provocative, sheer, tight-fitting, frayed, holey, torn or cut off. All jewelry must be conservative and business-like in nature so that its presence does not distract from the nature of public services and employment. Employees required to wear City uniforms must maintain them in a clean and neat manner. The City Manager will approve "casual dress" days when deemed appropriate.

2. **ASSIGNMENTS.** Staff assignments will be directed through the City Manager.

3. **ATTENDANCE AND PUNCTUALITY.**

A. Employees shall be regular in attendance, ready to begin work at the designated start time, and continue working until the designated quitting time. Employees may have occasion to vary from City-established working hours based on their employment status and job requirements. Permission to vary from the designated work hours must be obtained from the supervisor.

B. If an employee anticipates being tardy, he should telephone the supervisor within ½ hour of the designated start time. Penalties for abuse of the tardiness policy include:

(1) For a first offense, a written warning placed in the employee's file; and

(2) For subsequent offenses, being required to take the day off using PTO or other compensatory time or, if there is no such time available, then without pay.

C. Workplace morale is affected when employees abuse the attendance and punctuality policy; consequently, excessive absenteeism or tardiness will result in disciplinary action, up to and including termination.

4. **BREAKS; LUNCH.** Full-time, nonexempt employees are required to use scheduled breaks and lunch hour to provide needed rest for the mental and physical rigors of the workplace and to assure proper coverage of required job functions during the scheduled work week without the need for overtime pay or substitute coverage. Permission to "work through" lunch or breaks must be pre-approved by the supervisor.

5. **CONFIDENTIALITY.** Fellow employees have an unquestionable right to expect all personal information of a confidential nature about themselves, their illness, their family, financial circumstances, and salary to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.

6. **CONSERVATION.** Employees should seek to conserve City resources in all reasonable ways, recognizing that public monies are an important trust. Such conservation should include, without limitation, conserving fuel in City vehicles, turning off unneeded lights to conserve electricity in City offices, water conservation, etc.

7. **COURTESY.** City employees shall at all times be respectful and professional in interacting with the public. The simple process of being helpful, courteous and treating people in the same manner you would like to be treated is crucial to create good public relations. City employees should be as helpful as reasonably possible in

dealing with the public, including directing those with questions, or needing assistance, to the appropriate public resource, in or out of the City's offices.

8. **CREDIT CARDS.** Employees shall comply with the City's established credit card policies, which prohibit, among other things, personal use of City credit cards.

9. **ETHICS ACT.** City employees are subject to the requirements of the Municipal Officers' and Employees' Ethics Act, UTAH CODE ANN. §10-3-1301 *et seq.* (the "*Ethics Act*"). City employees also are subject to the ethical standards codified in Title 2 of the City Code.

10. **EXPENSES.** Out-of-pocket expenses for the City incurred by employees are subject to reimbursement in accordance with City policy. The cost of City-required travel by employees without a City credit card may be advanced in accordance with City policy.

11. **GIFTS AND GRATUITIES.** As provided in the Ethics Act and Title 2, City employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or item of monetary value from any person seeking to obtain business with the City, or from any person within or outside City employment whose interests may be affected by the employees' performance or nonperformance of official duties. City employees shall not accept gifts or gratuities except under circumstances allowed by the Ethics Act and Title 2.

12. **INTERACTION WITH ELECTED OFFICIALS.** Generally, the City's elected officials should not give orders to, or direct, City employees. Occasional *de minimus* assignments are permitted. Material communications between City employees and the City's elected officials concerning issues materially affecting the City typically should be coordinated through the City Manager. When engaging in discussions with elected officials, employees must take care to clearly differentiate their personal views from City administrative policy.

13. **OUTSIDE ACTIVITIES.** City employees shall not use City-owned property in support of outside interests and activities when such use would compromise the integrity of the City, incur cost or expense to the City, or interfere with the employee's duties. Without limiting the generality of the foregoing, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to City business, public office, or service club, shall:

- A. Pursue the outside activity on the employee's own time.
- B. Pursue the outside activity away from the City offices.
- C. Discourage any phone, mail or visitor contact related to the outside interest at the City offices.
- D. Arrange in advance to use PTO or other compensatory time off to pursue the outside interest during business hours.
- E. Except as otherwise provided in this Manual, not use any City equipment, resources or supplies for the outside interest.
- F. Employee solicitation or participation in fundraisers (such as sale of Girl Scout cookies) or events (such as off-premises cookware parties) or the like should be limited to posting appropriate notices and sign-up sheets in the City break room, or sending internal email notices.

14. PERSONAL USE OF CITY OFFICE ITEMS AND SYSTEMS.

A. All City equipment (including any equipment issued to an employee) shall be used only for City business purposes and shall not be used by the employee or anyone else for personal or private uses. This general prohibition on the use of municipal equipment is subject to exceptions specified in this Manual.

B. Employees are provided with the use of electronic and other information systems, such as the telephone system, computer system, voice mail, e-mail, Internet access, and other communication and data systems. These systems are for City business purposes only. Incidental and occasional use of these systems for personal communication is permitted so long as such use does not result in any costs, charges, tolls, or material interferences with work productivity. The City reserves the right to access, review and, when appropriate, disclose information created or sent on its communication and data systems. Consequently, employees should refrain from using these systems for personal communications that they consider confidential.

(1) Subject to paragraph 14(B)(1) above, employees are prohibited from using unauthorized codes, passwords, or other means to gain access to the voice mailboxes, e-mail, and Internet communication of others. Access to any City equipment or systems may be authorized by the City Manager or, in the Manager's absence, jointly the City Attorney and the City's information technology manager/consultant. Access to the City Manager's equipment may be authorized by the City Council. Access to City-owned computers and data equipment entrusted to City Council members may be authorized only by the City Council.

(2) All communication systems must be used in a professional, appropriate manner.

(3) No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on City-owned computer equipment or in the City workplace. The city has zero tolerance and employees found with this material will be immediately terminated.

C. Fax and copy machines. Any employee desiring to use City-owned fax or copy machines for personal items may do so on a reasonable basis after paying for such use at the employee rate which is in effect at the time of use.

D. Postage meters. No employee shall be allowed to use City-owned postage at any time for posting and mailing of any personal items. To the extent available, stamps may be purchased from the City (through its customer service employees) at cost.

E. Telephone calls. Employees may use City-owned telephones for local personal calls on a reasonable basis. Telephone calls must not disrupt employee productivity and should be discrete and appropriately short. Caution should be used to prevent the public or coworkers from overhearing personal conversations.

F. City Vehicles.

(1) City vehicles are for official use only, which may include travel to professional association meetings. City vehicles may be driven home only with the approval of the City Manager. If a City vehicle is not available for City business, the employee will be reimbursed for mileage at the IRS rate.

(2) Employees driving City-owned vehicles, or on City business in personal vehicles, shall use safe driving techniques and shall not do anything which would cause them to be inattentive, dangerous drivers.

(3) An employee involved in an accident involving a City-owned vehicle must promptly:

(a) Notify police authorities;

(b) Notify his supervisor; and

(c) Immediately submit to drug/alcohol testing.

(4) Emergency Vehicle Lighting and Sirens. As prescribed by state law, only law enforcement and authorized emergency response vehicles shall be allowed lights and sirens. Lights and sirens may not be included on private vehicles.

15. POLITICAL ACTIVITY.

A. An employee shall not be coerced to support a political activity, whether funds or time are involved.

B. An employee shall not engage in political activity during work hours or at the work-place.

C. An employee shall not use City-owned equipment, supplies or resources, or incur other expenses (such as computer online and access charges, etc.) to the City, when engaged in political activity.

D. An employee shall not discriminate in favor of or against any person or applicant for employment based on political views or activities.

E. An employee shall not use the employee's title or position while engaging in political activity or otherwise act to imply the City's approval of a candidate or political issue.

F. An employee who has filed a declaration of candidacy and/or who is elected to a public office, may be given time off or other leave as provided in UTAH CODE ANN. §10-3-1108(3) and (4).

16. PRIVILEGED INFORMATION. City employees involved with information of significant public interest may not disclose or use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any City plan or activity, this situation must be disclosed to the City Manager immediately. Each employee will be required to sign a conflict of interest form, which should be updated as necessary. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and Management Act, UTAH CODE ANN. §63-2-101 *et seq.* ("*GRAMA*"),

17. PUBLIC RELATIONS. The measure of City government is, to some extent, based on the effectiveness and personal contact of its employees with the public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of, the City. Frequently, the City employee is the only contact a private citizen has with our municipal government, and although the citizen may not be right, he does have an active interest in the City and its government. Therefore, it is essential that the attitudes and actions of the employees of the City, both on and off duty, bring credit to the City.

18. PURCHASING. City employees shall comply with the City's procurement policy and shall not over-expend any budget category without approval of the City Manager.

19. SECONDARY EMPLOYMENT.

A. City Employment is Primary.

(1) Employment with the City shall be the employee's primary employment, subject to any provision to the contrary in a written employment agreement with a part-time employee. City employees are permitted to engage in secondary or outside employment if it is of a type that would not reasonably give rise to actual or perceived conflicting interests or duties.

(2) Before starting any secondary or outside employment, employees are required to provide written notification to the City Manager and the HR Director using such disclosure form as the City may provide for such purpose.

(3) Employees shall not expect the City to make special arrangements to accommodate secondary employment. Rather, when conflicts arise, the requirements of the City job shall prevail.

B. City's Approval Process.

(1) The City Manager shall review the information contained in the employee's notice of secondary employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, without limitation, the following:

(a) Whether the secondary employment reasonably articulates some factor(s) which could negatively impact employment with the City.

(b) Whether the secondary employment could be a conflict of interest with employment with the City.

(2) The City Manager's decision shall be promptly communicated in writing to the employee.

(3) An employee who is not satisfied with such a decision may appeal the decision as a grievance as provided in Title 2 of the City Code.

20. **SMOKING, ETC.**

A. In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in City facilities. The City also prohibits smoking in City-owned vehicles or on the property owned by or leased by the City.

B. The use of chewing tobacco in and around City offices and in city vehicles is prohibited.

C. Eating at work stations in public view is prohibited. A break room is provided for this purpose and employees are urged to use scheduled breaks for this purpose.

21. **TIME SHEETS.** All hourly employees of the City are required to maintain an accurate and legible record on time sheets of all their hours worked. Time sheets will be signed and dated by the employee and forwarded to his supervisor, as directed, for review and signature prior to the established payroll deadline. All employees shall fully comply with any electronic timekeeping processes implemented from time to time by City administration in lieu of time sheets.

22. **WORK PLACE SEARCHES.** The City provides offices, computers, work places, vehicles, desks, files, file cabinets, etc. to certain of its employees for their use to transact City business. These offices, computers, work places, vehicles, desks, files, file cabinets, etc. belong to the City and are not private, **and employees shall not have any expectation of privacy with respect to any of such City-owned places, furniture or equipment. The City reserves the right to inspect and search these offices, computers, work places, vehicles, desks, files, file cabinets, etc. without notice, as it deems necessary.**

23. **SOCIAL MEDIA.**

A. Definitions.

(1) “*City*” means the city of Cottonwood Heights, Utah.

(2) “*City information technologies*” includes all information technologies that are provided, in whole or in part, by the City.

(3) “*Content*” means the information conveyed in a post on a social media application or hosted on a social media account.

(4) “*Employee*” means an employee of the City.

(5) “*GRAMA*” means the Government Records Access and Management Act, UTAH CODE ANN. 63G-2-101 *et seq.*

(6) “*Host*” means any content that is posted or otherwise publicly visible on a user’s social media account. Examples include, without limitation, comments from friends on Facebook, followers on Twitter, or users on a blog or microblog.

(7) “*Information technologies*” includes, but is not limited to, computer and telecommunications hardware, software, and systems that utilize the internet and/or any other communications network.

(8) “*Post*” means any content, including, without limitation, emails, messages, written communications, pictures, graphics, images, advertisements, broadcasts, videos, or any other means of communication inserted into or placed upon a social media application. Post also includes any form of content promotion, such as commenting on content posted by others.

(9) “*Social media*” includes various forms of user created content tools designed to communicate through electronic mediums in forms including, without limitation, written communications, photos, video communications, audio transmissions, etc. Examples include, without limitation, internet forums, blogs and microblogs, chat rooms, online profiles, wikis, podcasts, email, pictures, video, and instant messaging.

(10) “*Social media account*” includes any registration, login, password, tool, forum, channel, or website that is created or maintained for the purpose of perpetuating a social media presence.

(11) “*Social media application*” means any application that allows a user to create a social media account and/or post or host content. Examples include, without limitation, LinkedIn, Plaxo, Facebook, Twitter, MySpace, Bebo, Friendster, Okrut, Wikipedia, You Tube, Digg, Reddit, Yelp, Flickr, Tumblr, and Wordpress.

(12) “*Social networking*” means the practice of expanding one’s business and/or social contacts by making connections using a social media application.

B. General Policy Statement.

(1) Social media has altered the way that people communicate. In general, social media applications allow participants to publish text-based and image-based data through the internet via computer terminals, cell phones or similar devices. Although social media applications and social networking may allow employees to improve communication and, if authorized for use in the City workplace, increase productivity, it is the right and should be aware that unwise or inappropriate use of social media can negatively impact the City. Employees who violate this policy and the guidelines herein may receive consequences relative to their employment together with discipline up to and including termination.

(2) Employees must follow the City’s rules of information gathering and dissemination while participating in social media. These rules include all applicable federal and state laws, City ordinances and City

policies and guidelines under this handbook or otherwise. As noted elsewhere in this Manual, all communication systems must be used in an appropriate, professional manner and must be directly job-related and not interfere with normal work tasks. This policy will not be construed or applied in any way that limits an Employee's rights under the National Labor Relations Act, 29 U.S.C.A. §§ 151, *et seq.*, (as amended) or other applicable law.

(3) Employees who access social media via City information technologies shall have no expectation of personal privacy regarding such content. The City expressly reserves the right to monitor employees' use of social media on City information technologies, including posted and hosted content on social media applications. Employment and the use of City information technologies constitutes an express consent to monitoring, auditing, retrieving and reviewing employee usage of these items at any and all times.

C. Recommendations. The following items in this subsection 7(23)(C) are recommendations only, the violation of which will not result in discipline against the offending employee.

(1) Employees are encouraged to post content that reflects positively on them and the City. Be aware not only of the content that is posted, but also of any content that is hosted. Content that an employee hosts can have the same effect as content that an employee posts.

(2) Employees should beware of content that could reflect poorly on them or the City. Although an employee may only intend a small group to view a post, the nature of social media dictates that a much larger group will actually be able to view the post. Consequently, employees are encouraged to speak respectfully about the City's current, former and potential citizens, employees, elected and appointed officials, contractors, vendors and fellow interlocal agreement participants. Employees are discouraged from posting obscenities, slurs or personal attacks, or engage in name-calling or behavior that will reflect negatively on the employee or the City. Employees should be aware that some statements may be offensive to others, including coworkers.

(3) The City and many other employers may use social media to evaluate applicants. Choosing to post distasteful, immature, or offensive content may eliminate job or other opportunities.

(4) Employees should be aware that once content is posted via a social media application, it is public information that may be out of the employee's control. Others may view the post, repost it, save it, and/or forward it to others. Depending on the particular social media application, retracting content after it has been posted may be impossible.

(5) Employees should be aware that there is no anonymity when making comments via social media. Information contained in user's social media account is public, and can (in many cases) still be revealed even if a post is published anonymously or under a pseudonym.

(6) Employees are advised to not click on suspicious website links. A simple click on a received link or downloaded application can result in a virus infecting the employee's computer and/or the City's network. Employees should also pay careful attention when providing personal information online.

D. Rules. **Violation of the following rules in this subsection 7(23)(D) may result in discipline against the offending employee, up to and including termination of employment:**

(1) Unless specifically instructed, employees are not authorized, and therefore are prohibited, from speaking on behalf of the City. If an employee posts content concerning the City on a social media application, or to their social media account, the employee shall make it clear that he does not represent the City and that the post does not represent the views or official position of the City (i.e., "the views expressed are mine alone and do not necessarily reflect the views of my employer"). Employees are responsible for the content they post or host.

(2) Employees are prohibited from posting any proprietary, sensitive or other information of the City, its employees or its citizens that is not readily available to the public and which was obtained by the employee solely through or as a consequence of his employment by the City, including, without limitation, private, controlled or protected records of the City (as such terms are defined in GRAMA) which were not obtained by the employee through compliance with GRAMA.

(3) Unless specifically instructed, Employees are not authorized, and are therefore prohibited from using the City's logo or other proprietary images on a personal social media account.

(4) Employees are prohibited from engaging in social media endeavors in the City workplace during work hours, or using City-provided equipment, without specific authorization by their supervisor(s) in connection with a social media project on behalf of the City.

24. CITY INFORMATION SYSTEMS.

A. Acceptable Use of City Information Systems. The City provides Information Technologies to its employees to use in communication, research and other job-related purposes. The term "*Information Technologies*" includes, but is not limited to, computer and telecommunications hardware, software, and systems that utilize the internet and/or any other communications network. The term "*City Information Technologies*" includes all Information Technologies that are provided, in whole or in part, by the City. This section mandates ethical employee use of City Information Technologies, encourages use that enhances employee productivity, and confirms that electronic communications used in the conduct of government are generally considered public records and prohibits inappropriate use. Because of the rapid change in Information Technologies, this section may be reviewed and modified periodically to address new concerns. Additional policies concerning personal communication devices such as iPhones, Blackberrys, etc. are contained in subsection 25, below, which enhance, rather than limit, the provisions of this subsection 24.

B. Information Technology Privacy Policy.

(1) No Expectation of Privacy. All computer applications, programs, and information created or stored by employees on City Information Technologies are City property. **Employees shall have no expectation of personal privacy in the use of City Information Technologies. Passwords are used to protect the security of City Information Technologies (including City data), and are not intended to convey an expectation of personal privacy or exclusion from monitoring or audit.**

(2) Information Technology Auditing. **The City expressly reserves the right to monitor the use of City Information Technologies, including e-mail, website visits, other computer transmissions and any stored information created or received by anyone on City Information Technologies. Employment and the use of City Information Technologies constitutes an express consent to monitoring, auditing, retrieving and reviewing employee usage of these items at any and all times.**

C. Use of Information Technologies.

(1) Generally. City employees' use of City Information Technologies must comply with all applicable Utah statutes, Utah Administrative Rules and City ordinances. City employees must comply with accepted standards and practices for use. Employees' use must protect the integrity of the City Information Technologies, including all computer systems, data and networks. Employees' use of City Information Technologies must comply with all service and contractual agreements with commercial internet service providers, intellectual property rights, copyright and software license agreements.

(2) GRAMA. Documents, emails and other electronic records using City Information Technologies are public records and may be subject to disclosure pursuant to GRAMA. Public records must be preserved in

compliance with GRAMA and City record retention and preservation policies. Accessing the City's internal networks from employee-owned computing devices such as home computers or portable computing device (such as a laptop, PCD, or other electronic device used to access electronic data) may subject the records on the employee's personal devices to disclosure.

(3) Acceptable Use of Information Technologies. City Information Technologies are intended for business use in performing the duties of an employee's job. Unless otherwise prohibited by law, limited, *de minimis* personal use is permitted according to the following guidelines:

- (a) It is incidental, occasional and of short duration;
- (b) It is done on the employee's personal time. "*Personal time*" means during breaks, lunch and/or before and after work hours, and/or as otherwise defined in this manual.
- (c) It does not interfere with any employee's job activities. This includes activities which might pose a conflict of interest or an appearance of impropriety due to an individual's employment by the City;
- (d) It does not result in any expense to the City;
- (e) It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
- (f) It does not constitute a prohibited use under this section;
- (g) It does not disrupt the ability of the City's information technology department (the "*IT Department*") to provide Information Technologies services to City users;
- (h) Other acceptable uses of information technologies include:
 - (i) Communication with other federal, state or local government agencies or divisions thereof;
 - (ii) Communications, information exchange or research necessary to perform job functions or to maintain or enhance job knowledge or skills;
 - (iii) Communications and information exchanges directly relating to the City's business and the work tasks of individual or departments in support of work-related functions.

(4) Prohibited Use of Information Technologies. The following list of prohibited uses for City Information Technologies is not intended to be all-inclusive:

- (a) To cause a breach of security, or any action attempting to circumvent or reduce the security, of the City's Information Technologies (including any computer and network resources or any private, controlled, protected or otherwise confidential information in the City's custody, regardless of physical or electronic form or media).
- (b) Misuse of service or any action that damages, interferes with the use of, or renders unusable, any of the City Information Technologies.
- (c) Illegal use, or use in the commission of an illegal act, of any City Information Technologies.

(d) Granting or allowing access or use by any unauthorized person or entity to City Information Technologies systems or data.

(e) When using City Information Technologies, failing to appropriately limit the recipients of e-mail messages; propagating virus hoaxes; “spamming” (spreading e-mail or postings widely and without good purpose); or “bombing” (flooding an individual or group with numerous or large e-mail messages).

(f) Accessing or transmitting information in violation of Utah statutes, Utah Administrative Rules or City ordinances, or for non-job related reasons, such as information violating the City’s non-discrimination policy.

(g) Accessing racist and/or sexually explicit sites.

(h) Commercial endorsement or use of City Information Technologies in a manner that would constitute or imply an endorsement of a specific commercial entity or its products, services or business practices. The City Information Technologies may not be used for commercial activities, religious causes or any other activities that are not City business.

(i) Use of City Information Technologies for political activity or in a manner that would directly or indirectly assist a campaign for election of any person to any office, or for the promotion of or opposition to any ballot proposition. This prohibition shall not apply to use of City Information Technologies for the development or delivery of a neutral and objective presentation of facts relevant to a City business, a ballot proposition as allowed by state law or similar, provided that such use must be a part of the normal and regular conduct of City business by the employee developing or delivering such presentation.

(j) Altering electronic communications to hide one’s identity or to impersonate another individual. All e-mails, news posts or any other form of electronic communication using City Information Technologies must contain the sender’s real name and/or e-mail address.

(k) Buying, selling or trading goods, services or financial instruments via the City’s Information Technologies for personal financial gain.

(l) Using peer-to-peer file sharing applications with City Information Technologies.

(m) Removing any City Information Technologies hardware from City premises except as specifically allowed by the user’s supervisor; or modifying (beyond normal parameters of use) or altering City Information Technologies without appropriate authorization from the IT Department.

(n) Installing any software not previously approved by the IT Department.

(o) Copying and/or using City-licensed computer software or City data, regardless of physical or electronic form or media, for personal use.

(p) Destroying or altering City records in violation of GRAMA or the City’s retention and preservation policies.

25. EMPLOYEE USE OF CITY OWNED PERSONAL COMMUNICATION DEVICES.

A. Purpose and Scope. The purpose of this subsection 25 is to establish additional specific guidelines for the use of City issued mobile phones and personal communication devices, and the use of such devices owned by employees. This policies specified in this subsection 25 are in addition to all the provisions of subsection 24 of this Section 7 and any and all other City policies concerning other types of City Information Technologies, which

provisions enhance, rather than limit, the provisions of this subsection 25. Because of technical advances and varying manufacturer nomenclature, this subsection generically refers to all personal communication devices as PCDs ("PCDs"), but is intended to include all mobile phones, PDAs and other such wireless two-way communication and/or portable Internet access devices, including Apple "iPhones," "BlackBerrys," "Androids" and similar devices and all related access or other communication provider services. PCD devices, and their related communication, data storage and other capabilities sometimes are referred to in this subsection as "*PCD Systems*," and PCD Systems provided or funded by the City, in whole or in part, sometimes are referred to in this subsection as "*City PCD Systems*."

B. PCD Privacy Policy.

(1) No Expectation of Privacy. **Any employee utilizing a City PCD System expressly acknowledges and agrees that the use of such City PCD System, whether for business or personal use, shall remove any expectation of personal privacy the employee, sender and recipient of any communication utilizing such City PCD System might otherwise have, including as to the content of any such communication.** Employees should refrain from using City PCD Systems for any purpose they consider to be of a personal, private, or confidential nature. Employment constitutes consent to monitoring all employee usage of these City PCD Systems. Downloading or copying City information, documents, e-mails, etc. to personally owned computers and other electronic devices is prohibited unless expressly authorized by the City manager.

(2) City PCD System Auditing. **The City expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of a City PCD System. Employment and the use of a City PCD System constitutes express consent to the City's monitoring employee usage of these items at all times.** Sexually explicit or harassing behavior is strictly prohibited and violations are subject to discipline up to and including termination.

C. Use of PCD Systems.

(1) Generally. PCD Systems, whether provided by the City or personally owned, should only be used by employees during working hours for legitimate City business. PCD Systems should be used in a manner that does not detract from the employee's job function, and use of PCD Systems (whether owned by the City or by the employee) for work-related communications may result in PCD System records becoming accessed and discoverable pursuant to GRAMA. Extended or frequent use of personally owned PCD Systems during working hours for personal use is prohibited and may result in discipline up to and including termination.

(2) Service Plan. City PCD Systems are purchased and maintained on the City's wireless service plan. Employees shall not be responsible for monthly City PCD System service charges arising from use for City related business within the scope of this policy.

(3) De Minimis Personal Use. Employees who are provided City PCD Systems are expected to use appropriate professional conduct in the use and application of such system. Incidental, occasional *de minimis* use of City PCD Systems for personal communication is permitted only if such use does not result in any costs, charges, tolls, code or ethics violations, violate this manual, or interfere with work productivity. This *de minimis* personal use policy does not in any way create an employee expectation of privacy in the City PCD System or any resulting communications.

(4) Installation of Applications. The City may maintain a comprehensive list of approved PCD applications ("*Apps*") that may be installed on a City PCD System. If an employee wishes to install an App that is not listed on the City's approved App list, then (a) the employee must first submit such request to her immediate supervisor, together with an explanation of the App and its purpose; (b) receive the supervisor's written approval of such App; (c) jointly with the supervisor, submit a request to the City's information

technology department (the “*IT Department*”) for approval; and (d) receive the IT Department’s final written approval of installation of the App.

D. Individually-Owned PCDs. Employees who do not wish to be subject to the waiver of privacy rights under this policy may carry individually-owned PCD System while at work, subject to the following conditions: (a) carrying an individually-owned PCD System is optional; (b) the PCD System shall be purchased, used and maintained at the employee’s expense; (c) the employee shall provide the mobile number of such PCD System to the City for business contact; and (d) GRAMA may remain applicable to individually-owned PCD Systems.

SECTION 8

DISCIPLINARY ACTION

1. GENERAL POLICY.

A. The progressive disciplinary procedures and actions described in this section are only guidelines and the City shall have the right to exercise its discretion in implementing them.

B. Generally, management will inform its employees about what is expected at work and what constitutes employee misconduct.

C. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of the City. Administrative procedures have been established to handle discipline when required. Such measures shall follow the presentation of charges to the employee.

D. Disciplinary action, up to and including termination, may be imposed for misconduct.

E. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's personnel file.

2. TYPES OF DISCIPLINARY ACTION.

A. Verbal Warning. Whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee along with an appropriate corrective action plan to solve the problem. The verbal warning shall be documented by the supervisor and placed in the employee's personnel file and copied by email to the employee as a follow-up to the conversation.

B. Written Reprimand.

(1) Whenever grounds for disciplinary action exist, the supervisor may discipline an employee and, in connection with such discipline, may issue a written reprimand to the employee and an appropriate corrective action plan.

(2) A copy of the written reprimand, signed by the supervisor and the employee, shall be given to the employee and permanently placed in the employee's personnel file. If the employee refuses to sign the form, the supervisor and a witness will indicate the same on the written reprimand.

C. Corrective Action Plan.

(1) Whenever grounds for disciplinary action exist, the supervisor may issue a corrective action plan to the employee detailing the reasons for issuing the corrective action plan and the terms and behavior expected for successful completion of the corrective action plan. The corrective action plan shall not exceed 90 days in length.

(2) Before issuing a corrective action plan to an employee, the supervisor shall assure that the due process proceedings described in paragraphs 4, 5 and 6 of this section 8 have been satisfied.

(3) A copy of the corrective action plan, signed by the supervisor and employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the corrective action plan, the supervisor and a witness will designate the same on the corrective action plan.

D. Suspension.

(1) Whenever grounds for disciplinary action exist, the supervisor, with approval of the City Manager, may suspend an employee without pay for up to, but not exceeding, 176 hours.

(2) Before issuing a suspension notice to an employee, the supervisor shall assure that the due process proceedings described in paragraphs 4, 5, and 6 of this section 8 have been satisfied.

(3) A copy of the suspension notice, signed by the supervisor and employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the suspension notice, the supervisor and a witness will designate the same on the suspension notice.

E. Termination.

(1) Notwithstanding anything to the contrary herein, statutory officers (including without limitation, Attorney, Finance Director, Police Chief, Recorder and Treasurer), heads of municipal departments, superintendents, probationary employees, or temporary/seasonal employees may be terminated without cause upon approval of the City Manager after review by the HR Director and the City Attorney, and following any required advice and consent of the City Council.

(2) The City Manager may terminate other employees for cause. Whenever grounds for disciplinary action exist, the City Manager may terminate an employee.

(3) Before issuing a termination notice to an employee, the City Manager shall assure that the due process proceedings described in paragraphs 4, 5 and 6 of this section 8 have been satisfied.

(4) A copy of the termination notice, signed by the City Manager or designee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the termination notice, the supervisor and a witness will designate the same on the termination notice.

3. CAUSES FOR DISCIPLINARY ACTION.

A. Causes for disciplinary action, up to and including termination, may include, without limitation, the following:

(1) Violation of the City's ordinances.

(2) Violation of the laws or ordinances of the United States, the State of Utah, or Salt Lake County, other than minor traffic offenses. For purposes hereof, driving while intoxicated, reckless driving, failure to stop at an accident, failure to make a report of a reportable accident, giving information in a report that is false, driving a motor vehicle while the person's driving privileges are suspended, disqualified or revoked, and attempting to flee or elude a peace officer by vehicle are not considered minor traffic offenses.

(3) Conduct which endangers the peace and safety of others or poses a threat to the public interest.

(4) Significant interference with work of other City employees.

(5) Misconduct.

(6) Malfeasance.

- (7) Misfeasance.
- (8) Nonfeasance.
- (9) Incompetence.
- (10) Negligence.
- (11) Insubordination.
- (12) Failure to maintain skills.
- (13) Inadequate performance of duties.
- (14) Unauthorized absence or tardiness.
- (15) Falsification or unauthorized alteration of records.
- (16) Falsification of employment application.
- (17) Unlawful discrimination in hiring, assignment, or promotion.
- (18) Sexual harassment.
- (19) Accessing, storing, or viewing/reviewing pornographic or sexually explicit material on City-owned equipment.
- (20) Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, or engaging in any other unauthorized alteration of a time slip or other record of hours worked.
- (21) Unauthorized possession of firearms, weapons, or explosives on City-owned property.
- (22) Carelessness which affects the safety of City personnel or the public.
- (23) Threatening, intimidating, coercing, or interfering with the public or other City employees.
- (24) Theft or removal of any property of the City or another employee from the workplace without proper authorization.
- (25) Gambling or engaging in a lottery at any City work area.
- (26) Misusing, destroying, or damaging any property of the City or another employee.
- (27) Deliberately restricting work output of himself or others, or conduct that restricts such work output.
- (28) Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.
- (29) Sleeping during working hours.
- (30) Fighting (verbal or physical) on City premises, or while on City business, or in a City uniform.

(31) Any act which might endanger the safety or lives of others.

(32) Unauthorized access to confidential employment records, health records or records protected by GRAMA.

(33) Violation of any executive order or any policy or procedure, including, without limitation, this Manual.

(34) Materially undermining City administration.

4. CONDUCTING AN INVESTIGATION.

A. The City shall conduct an investigation into the allegations which form the grounds for proposed disciplinary action.

B. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Manager may place an employee on administrative leave.

C. Except for verbal warnings and written reprimands, disciplinary action shall not be imposed until an informal pre-disciplinary meeting, with appropriate written notice to the employee, has been completed by the City Manager. The investigation shall include an opportunity for the employee to respond to the allegations.

5. IMPOSING DISCIPLINARY ACTION.

A. The City Manager shall conduct disciplinary action in a lawful manner consistent with this Manual. The progressive disciplinary procedures or actions described in this section are only guidelines, and the City shall have the right to exercise discretion in implementing them.

B. Each employee shall be afforded prior access to the City's rules, policies, and procedures.

C. The employee shall have the opportunity to respond to the allegations disclosed in the predisciplinary meeting within five business days after the meeting. The employee's written response, if any, and other related documents shall be reviewed and placed in the employee's personnel file. Failure to refute charges within those five days shall be deemed an admission the charges are valid.

D. In determining the type and severity of the disciplinary action, the City shall consider aggravating and mitigating circumstances which include, without limitation, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on the City's operations and reputation; and/or the potential of the misconduct to harm person(s) or property.

E. Except for verbal warning and written reprimands, disciplinary action shall not be implemented until approved by the City Manager and reviewed by the HR Director and, where appropriate, the City Attorney.

6. APPEAL PROCEDURES. An employee may appeal a disciplinary action to the City's Employee Appeal Board as provided in the UTAH CODE ANN. 10-3-1106 and Chapter 2.180 of the City Code. If a disciplinary action is appealed to the Employee Appeal Board, then execution of discipline shall be stayed until the Employee Appeal Board issues its final order with respect to the matter. Each appeal to the Employee Appeal Board shall be filed with the City Recorder within ten working days after the final action or order of the City.

SECTION 9

GRIEVANCE PROCEDURES

1. GENERAL POLICY.

A. Employees who perceive that they have a grievance against the City must exhaust the administrative procedure set forth in this section before addressing their grievance through any other forum. An employee may file a grievance about any perceived work-related injustice or oppression resulting from an act, occurrence, omission, condition, or unfair labor practice. Issues addressable through the grievance process do not include disciplinary actions but include, without limitation:

- (1) Employee-supervisor relationships.
- (2) Duty assignments not affecting job description.
- (3) Shift and job location assignments.
- (4) Working conditions.
- (5) Practices affecting granting of time off with pay.
- (6) Performance evaluations for non-probationary employees.
- (7) Secondary employment decisions.
- (8) RIF ranking as provided in Section 10 of this Manual.

B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors should attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. **NOTICE: IF AN EMPLOYEE FAILS TO TIMELY FILE A FORMAL WRITTEN GRIEVANCE WITH THE CITY RECORDER, PURSUANT TO PARAGRAPH 1C BELOW, THEN THE EMPLOYEE LOSES HIS RIGHT TO PURSUE THE MATTER AS A GRIEVANCE, EVEN IF THE EMPLOYEE IS ATTEMPTING TO RESOLVE THE GRIEVANCE INFORMALLY.** Each employee pursuing a formal grievance must prepare and submit a separate formal written grievance. Formal written grievances shall contain, at a minimum, the following information:

- (1) Name of the employee.
- (2) Date the occurrence or action underlying the grievance occurred.
- (3) Nature of the grievance.
- (4) Historical information related to the grievance.
- (5) Requested resolution.
- (6) Signature of the employee filing the grievance and date filed.
- (7) Witnesses or corroboratory information when appropriate.

C. Employees will be allowed a reasonable amount of time during work to prepare formal written grievances. Formal written grievances must be filed with the City Recorder within 30 calendar days after the

occurrence or event giving rise to the grievance or within 30 calendar days after the employee acquires knowledge of the occurrence or event giving rise to the grievance.

D. The City Recorder promptly shall refer the formal written grievance to the City Manager and notify the City Attorney that a formal written grievance has been filed.

E. The City Manager shall have ten business days to respond in writing to the formal written grievance.

F. If the City Manager is unable to answer the formal written grievance within the specified time period, the City Manager may take an additional ten business days to answer the formal written grievance if he notifies the employee in writing of the circumstances and that the extension is being exercised.

G. If the City Manager does not answer the formal written grievance within the specified time, then the formal written grievance will be deemed denied on the date the answer was due. If the grievance is deemed denied or the decision is considered unacceptable, the employee may appeal the decision to the Employee Appeals Board, as provided in UTAH CODE ANN. §§10-3-1105 to 1106 and Title 2 of the City Code. Each appeal to the Employee Appeals Board shall be filed with the City Recorder within ten business days after the City's final action or order.

2. **CONFIDENTIALITY.** Records and documents regarding a grievance shall be a private record under GRAMA.

3. **FILING.**

A. If any disciplinary action against an employee is rescinded as a result of the formal written grievance process, the City shall remove the record of the disciplinary action from the employee's personnel file.

B. If any disciplinary action against an employee is modified as a result of the formal written grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be substituted for it in the employee's personnel file.

SECTION 10
TERMINATION OF EMPLOYMENT

1. **TYPES OF TERMINATION.** Any involuntary termination, or termination of any employee who is allowed to resign in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's rights, if any, are not violated. Types of termination include:

A. Retirement. Voluntary termination at the end of an employee's career.

B. Voluntary Resignation. When an employee chooses to terminate employment with the City, he will complete a notice of voluntary resignation form and present it to his supervisor.

C. Resignation in Lieu of an Involuntary Termination. The City Manager may accept a voluntary resignation in lieu of an involuntary termination.

D. Involuntary Termination. The City Manager may conclude that an employee should be involuntarily terminated for no reason (for heads of departments, superintendents, probationary employees, seasonal employees or any other employee subject, by applicable law, to termination without cause) or for cause (for all other regular employees).

E. Reductions in Force/Layoffs ("RIF"). In the event of reorganization, inadequate funds, a change in workload, or lack of work, the City may require an RIF to decrease the number of City employees. Before requiring that an employee be separated from employment pursuant to a RIF, the City may first attempt to reassign personnel to assignments for which they are qualified through adjustment of duties or work areas. The decision to reassign employees or to cause a separation of employment will be made based upon an objective assessment of seniority, qualifications and work performance, as documented in personnel evaluations. Employees will be ranked in order based on their seniority, qualifications for remaining position and an objective score of work performance, as reflected in prior work evaluations. Order of separation from employment shall be first, probationary employees, and second, employees in order of their rank with the lowest ranking to be released first. In the event of a tie in the ranking, the amount of seniority will serve as a tie breaker. Employees subject to an RIF will be given 20 working days' notice and an opportunity to appeal the decision as a grievance. An employee who is separated shall be given appropriate consideration for reemployment.

F. Medical. Discharge based on an inability to perform the essential functions of the job as defined by law.

G. Death. If a City employee dies, his estate will receive all pay due and any earned and payable benefits (such as payment for PTO or other compensatory time, in accordance with any City policies requiring such payment) as of the date of death.

2. **PRIOR NOTICE REQUIRED FOR REHIRE.**

A. An employee must notify the City, in writing, at least two weeks before retiring or voluntarily resigning to be eligible for rehire.

B. The last day of work must be a regular business day to be eligible for rehire.

C. Without the prior approval of the City Manager, neither vacation leave (for sworn employees) nor PTO (for non-sworn employees) may not be used after notice of termination of an employee's employment by the City.

3. **TERMINATION PROCEDURES.**

A. The City may accelerate an employee's last day of work with respect to a voluntary resignation if the City determines that such acceleration is in the City's best interest. If the City changes the last day of work, the employee will be paid up to the date of resignation that was submitted by employee (for example, last day of work indicated by employee on employee's notice).

B. An involuntary termination or separation for cause requires the City to provide the terminating employees with written notification of due process. "At-will" involuntary terminations as permitted by law do not require the City to provide the employee being terminated with written notification of due process.

C. The following steps should be taken for voluntary retirement:

(1) Employees who desire retirement should notify the Utah Retirement System at least three months in advance.

(2) Following receipt of a notice of voluntary retirement, the City should communicate the status of each employee's retirement benefits.

D. The City shall comply with all laws and should inform its employees as described above of the possibility that reduction in force/layoffs may become an economic necessity for the City.

E. Final payment due the employee, including pay for any hours worked but not paid, and pay for unused and vested PTO (if applicable), shall be paid at the following regularly scheduled payday, provided the terminating employee returns all City-owned supplies and equipment, and discloses in writing any passwords, etc. on encrypted material.

F. Final payment is subject to offset in an amount determined by the City for City-owned supplies and equipment, not returned and/or any cost or damages incurred by the City to restore computer or other systems or equipment, remove or decode encrypted materials, etc.

G. Final payment also is subject to offset any employee benefits owing, including tuition reimbursement.

H. All terminating employees must have an exit interview with the HR Director and complete an exit interview form. The exit interview form should be signed by the employee and the HR Director. All City property shall be returned at the time of the exit interview in good, workable condition. The replacement cost of any items not so returned will be the employee's responsibility and may be offset in the employee's final check.

4. **COBRA.** Eligible employees who are separated from the City are entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("**COBRA**").

SECTION 11

RECORD KEEPING

1. **GENERAL POLICY.** All personnel files and records shall be maintained as required by law.
2. **CONFIDENTIALITY.** Employee records are maintained in compliance with the law.
 - A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
 - B. Protected health information will be safeguarded to ensure confidentiality of such information as required by the Health Insurance Portability and Accountability Act of 1996 ("HIPPA").
 - C. The City's policy is that only relevant, job-related information is maintained concerning its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
 - D. Employees have the opportunity to review their own files in the presence of the City Manager or HR Director on City premises during regular business hours.
3. **PERSONNEL FILES REQUIREMENTS.**
 - A. General.
 - (1) Personnel files are maintained and kept by the City for each employee. The record copy (original) of all personal information required by this Manual, related to an employee shall be filed in the employee's personnel file.
 - (2) Information in an employee's personnel file that would generally be considered confidential or private will not be communicated to any person or organization outside City administration unless approved by the City Manager.
 - (3) An employee, or his representative designated in a writing signed by the employee, may examine the employee's personnel file upon request during normal business hours at the City offices in the presence of the HR Director.
 - B. Contents.
 - (1) An employment record, including the employee's job application, resume, interview forms, Employee's Withholding Allowance Certificate (Form W-4), etc.
 - (2) A signed copy of the employee's acknowledgment of receiving a copy of this Manual.
 - (3) A job offer letter.
 - (4) Benefit enrollment forms.
 - (5) All personnel action forms, including:
 - (a) Significant incident reports.

(b) Performance evaluations.

(c) Promotions or transfers.

(d) Salary rate changes.

(e) Disciplinary action taken.

(6) Any information the employee wants included in response to any of the above actions with the approval of the HR Director and the City Attorney.

(7) Records of any citations for excellence or awards for good performance.

(8) Record of job training opportunities and the City's training/education investment in the employee.

(9) Record of any other pertinent information having a bearing on the employee's status, or as otherwise identified in this Manual.

C. Employee Information and Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Changes in personnel information should be reported within 30 days of the change to ensure accuracy of City records.

D. Giving References. The City limits information given in a reference to the following.

(1) Verification that the employee worked, full-time or part-time, for the City during a stated period.

(2) A description of the position held.

(3) Verification that the employee achieved a given salary range.

(4) Eligibility for rehire.

SECTION 12

PERFORMANCE EVALUATIONS

1. GENERAL POLICY.

A. Performance evaluations will consist of a review between the supervisor and the employee using the City's performance evaluation form.

B. Employee evaluations will be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.

C. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.

D. Objectives specify what should be achieved during an employee's employment with the City.

E. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards.

(1) Participatory Goal Setting. The supervisor should seek to involve the employee in setting the employee's goals and objectives.

(2) Outline Results to be Achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.

(3) Relate to Organizational Objectives and Goals. When initially formulating performance plans, the supervisor should provide the employee with the larger picture and how his work contributes to the organization.

(4) Define Objectives. Objectives must be clearly defined and understood by both the employee and the supervisor. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.

(5) Give Support. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards

2. SPECIFIC PERFORMANCE OBJECTIVES.

A. The supervisor should complete a specific performance objective plan with the employee.

B. The specific performance objective plan should include goals and objectives and expected completion dates.

C. Both the employee and the supervisor should sign the specific performance objective plan. The employee shall receive a copy from the supervisor, and the original shall be retained in the employee's personnel file.

3. PERFORMANCE RATINGS. Each employee evaluation shall provide performance ratings based on job description and goals.

4. PERFORMANCE PERIODS.

A. Probationary employees.

(1) Probationary employees may have several performance evaluations during the probationary period.

(2) A performance evaluation will be conducted with an employee if there has been a change to his job description.

(3) Performance evaluations and the results of such evaluations shall not obligate the City to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

B. Regular employees.

(1) Performance evaluations will be completed approximately annually. After the supervisor has discussed the evaluation with the employee, the employee and the supervisor will sign the evaluation form. Signature on the form indicates only that the appraisal has been reviewed with the employee. The employee will then have five days to supply any additional comments to be attached to the evaluation. Any such additional comments provided shall be filed in the personnel file, but shall not become part of the supervisor's evaluation unless incorporated into the evaluation by the supervisor.

(2) Although a salary adjustment may not follow a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.

5. CONFIDENTIALITY.

A. Completed performance evaluations shall remain in the employee's personnel file.

B. Performance evaluations may be used in decisions concerning advancement, future training needs, performance-related salary adjustments and contested disciplinary actions.

SECTION 13
EMPLOYMENT CLASSIFICATIONS/COMPENSATION

1. **GENERAL POLICY.** The City will pay at least minimum wages and qualifying overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act of 1938 or other applicable law ("*FLSA*"). The City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with FLSA and the Equal Pay Act of 1963, subject to any permissible adjustments for tenure, performance and the like.

2. **EMPLOYMENT CLASSIFICATIONS.** There are four classifications of employees within the City:

A. Regular full-time. An employee hired to work for an indefinite period in a position for which the normal work schedule is 40 hours per week.

B. Regular part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than 40 hours per week. Part-time employees may or may not qualify for certain specific City benefits.

C. Temporary/Seasonal. Employees engaged to work full-time or part-time on the basis that employment will be terminated upon completion of a specific assignment or time period. Temporary/seasonal employees, whether part-time or full-time, shall not qualify for regular employee benefits (except for any mandatory benefits prescribed by law).

D. Probation status. All new employees, including temporary/seasonal employees who are hired as regular full-time or regular part-time employees, shall be considered probationary employees and be subject to a six month probation period for civilians and a twelve month probation period for sworn employees, beginning with the first day of employment. During this period, the employee may be freely terminated, with or without cause, without any right of an appeal. The supervisor will provide guidance to such employees regarding work requirements. Generally, during the probation period the employee may have several performance evaluations. A performance evaluation and the results of such evaluation does not obligate the City to a particular course of action relative to the probation period or the current or future employment status of the employee, nor does it create any property/due process rights for the employee relative to his position.

3. **EMPLOYMENT STATUS.** To facilitate provisions of the FLSA, employees shall be classified as either exempt or nonexempt with respect to eligibility for overtime pay. Such classifications are defined as follows:

A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by law, shall be exempt from minimum wage and mandatory overtime payment regulations.

B. Nonexempt. Positions of a clerical, technical, or service nature, as prescribed by law, shall be covered by minimum wage and mandatory overtime payment regulations.

4. **WORK WEEK.** The City work week begins on Saturday at 6:00 a.m. and ends on the following Saturday at 5:59 a.m.

5. **WORK HOURS.** Work hours for nonexempt employees (with the exception of sworn employees) is 8:00 a.m. to 5:00 p.m., Monday through Friday) or as assigned at time of hire.

6. ON-CALL.

A. Certain civilian and sworn employees are required to serve in an “on-call” status for up to two weeks at a time and be available for a call back to work at a time during otherwise unscheduled, off-duty hours. An employee placed on-call must ensure that he can be reached during the entire on-call shift and that he will return to work if needed within 30 minutes of a call or within the time limit specified by the supervisor.

B. It is the policy of the City to pay employees designated as on-call employees an additional \$50 per week. If the employee serves less than one full work week in this status, the additional pay will be pro-rated. When and if an employee performs actual work and service as a result of being called back to work, he will be compensated for any additional time worked, with a minimum of two hours compensation for each instance called back to work. Any return to work within two hours of a previous call is deemed a continuation of the first call.

C. The supervisor will notify the employee of the on-call schedule. If an employee is on-call and cannot be reached or cannot come to work he is not eligible for on-call pay. While on-call, no employee shall consume alcoholic beverages or do anything that may impair the employee’s ability to promptly respond for duty.

D. Sworn officers are governed by police department policy.

7. CALL OUT.

A. Non-exempt employees called back to work during their scheduled work week shall be entitled to compensation for actual time worked. The minimum call out compensation shall be a two-hour minimum. Call out compensation will be calculated on a workweek basis and only time worked in excess of an employee’s specified workweek will be compensated at the overtime rate.

B. Sworn officers are governed by police department policy.

8. COMPENSATORY TIME OFF.

A. Employees shall receive compensatory time off in lieu of overtime pay with two exceptions; (1) an employee is called out for a police emergency; and (2) an exception has been granted by the City Manager. Employees are encouraged to use compensatory time within a 60-day period. Scheduling time off using compensatory time will be scheduled in the same manner as PTO. Compensatory time should be used before any PTO utilization unless the employee is in a use or lose situation with PTO time.

B. Compensatory time for nonexempt employees will be accumulated at the overtime rate of one and one-half (1½) hours for every overtime hour worked.

9. OVERTIME COMPENSATION.

A. Overtime pay will apply for over 40 hours worked in a work week by nonexempt employees (except sworn employees), and shall be compensated at the rate of one and one-half (1½) times the regular hourly rate. Sworn employees will be based on an 80 hour pay period. Compensatory time should be used before any PTO utilization unless the employee is in a use or lose situation with PTO time.

B. If a holiday or time off with pay falls within a work week, (1) a non-sworn employee must work 40 hours over and above those hours during the pay period before overtime must be paid; and (2) a sworn employee must work 80 hours over and above those hours during the pay period before earning overtime. If an employee works on a City-designated holiday or on an actual City-recognized holiday, the employee will:

(1) Receive holiday pay as well as regular pay for the time worked. In addition, the employee will be allowed to take the equivalent number of hours at a later time subject to supervisory approval.

(2) Or, with approval of the supervisor, be allowed to take the holiday off at a later date.

C. In situations where the City Manager has declared a local disaster or emergency, employees who are called in to assist during the designated period of the disaster or emergency, regardless of the number of actual hours worked prior to the designated period, will be paid at time and one-half for any emergency hours worked outside of, or in addition to, their normal schedule. Hours worked under those conditions must be paid hours and cannot be accrued as PTO or compensatory time. In rare cases, under conditions designated by the City Manager as a declared disaster or emergency, exempt employees may be eligible for overtime pay as approved by the City Manager. Documentation of jobs performed and hours worked is essential.

D. Overtime shall be approved by the supervisor before it can be worked. Overtime shall be authorized for personnel only when absolutely necessary to provide required services. Violation of this policy may result in disciplinary action, up to and including termination.

10. **PREMIUM PAY.** If an employee works on Butlerville Days for the purposes of providing support, the employee will be paid time and a half for a minimum of eight hours.

11. **PARADE PAY.** If an employee works to provide support for the City in a parade by driving the City float, the employee will be paid time and a half for a minimum of eight hours.

12. **CITY EVENT PAY.** If an employee works to provide support for a City event, the employee will be paid time and a half based on FLSA regulations; or receive compensatory time.

13. **TIME SHEETS.** All non-exempt employees will complete and submit, as verification of accuracy, a time sheet for each work week showing all hours worked including overtime or other compensatory time. All leave and suspension time used must be specifically noted on the time card (PTO, sick, vacation, etc.) Time sheets are submitted to supervisors for examination and approval. The supervisor is responsible for the accuracy of the time sheet. Falsification of a time sheet by any employee could result in disciplinary action up to and including termination.

14. **SAFE HARBOR PROVISION.** If an employee believes that he has not been appropriately compensated, or as an exempt employee was subject to inappropriate deductions from his salary under the FLSA, the employee shall utilize the City's grievance procedure to resolve the matter.

(A) If it is determined that the City was not appropriately compensating the employee, or was otherwise making inappropriate deductions from an employee's salary, the City promptly shall reimburse the employee for all compensation not paid or improperly deducted.

(B) If it is determined during the grievance process that the City failed to appropriately compensate employees, or made improper deductions from an employee, the City shall take steps to correct the problems or practices leading to the grievance.

SECTION 14
SALARY PLANNING

1. **GENERAL POLICY.** The HR Director, in consultation with the City Manager and City Council, shall be responsible for the development and maintenance of a uniform and equitable compensation plan for the City, which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and shall be determined with regard to the following considerations:

- A. Equal pay for equal work.
- B. Ranges of pay for other positions.
- C. Prevailing rates of pay for similar employment as determined by a benchmark procedure conducted by the HR Director.
- D. Cost of living factors.
- E. Other benefits received by employees.
- F. The City budget as approved by the City Council and the economic conditions of the City.

2. **COMPENSATION PLAN DEVELOPMENT AND ALLOCATION.**

A. Each position shall be assigned a grade that corresponds to the type of work performed and the skills and training required by the job. Pay will be determined by positional grade assignment performed. Each grade appears on the City's pay scale. A salary survey will be performed from time to time, but at least every five years, to ensure that pay grades are consistent with comparable classifications among other comparable cities, as determined in a bench marking procedure.

B. Pay adjustments based on merit, cost of living adjustment ("COLA"), and/or benchmark outcomes must be approved by the City Manager, and are subject to the availability of funds.

C. The grades within the pay scale plan shall feature minimum, midpoint, and maximum levels of pay for the grade, as well as intermediate steps. These levels will be adjusted by the percentage of any COLA approved by the City.

3. **APPOINTMENT.** Pay for newly hired employees shall be set within the pay range assigned to a job class based on qualifications and experience. The City Manager may approve above midpoint, as warranted by job qualifications and experience, but subject to availability of funds.

4. **MERIT INCREASES.**

A. The City Manager, subject to budgetary approval of the City Council, and further subject to funding availability, shall adopt pay increase guidelines effective the beginning of each fiscal year. Merit increases shall be at the discretion of the City Manager and recommendation of the supervisor based on a satisfactory employee evaluation and the parameters established in the approved annual budget.

B. Regular full-time and part-time employees are eligible to receive a merit increase. Temporary and seasonal employees shall not be eligible to receive a merit increase. Probationary employees shall only be

eligible to receive a merit increase upon successful completion of probation. Crossing guards are not eligible to receive merit increases.

C. Merit increases are subject to the following additional guidelines:

(1) **Employees hired before July 1, 2013 will have a July 1 anniversary date for merit increases.** For employees hired before July 1, 2013, the supervisor must complete an employee's performance evaluation by June 1st of each year. If a merit increase is given to an employee, it may be calculated such that the effective date of the merit increase took place on the beginning day (July 1st) of the fiscal year for which the merit increase was awarded. The increase is calculated from the beginning day of the fiscal year to the actual time the increase was paid. The increase may be paid in a lump sum, based on regular hours, on the first pay check of the following month in which the merit increase was warranted. Probationary employees are not eligible for a lump sum payment.

(2) **Employees hired after July 1, 2013 will use the date of hire as the anniversary date for merit increases.** For employees hired after July 1, 2013, the supervisor must complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase. If a merit increase is given to an employee, it may be calculated such that the effective date of the merit increase took place on the anniversary day of the year for which the merit increase is awarded

(3) Merit increases are considered during the performance evaluation which is scheduled between April 1 and June 1. A merit increase shall not exceed the maximum pay scale assigned to a position grade. If an employee reaches the maximum range assigned to his/her position, no merit increase shall be given.

(4) Up to the midpoint, the city recognizes progression and the attainment of job skills, and an employee can move one step based on evaluation. After the midpoint, an employee can move one to three steps based on evaluation as follows:

3.01 – 3.5 = 1 step
3.51 – 4.0 = 2 steps
4.01 – 5.0 = 3 steps

5. **SELECTIVE SALARY ADJUSTMENT.** The City Manager may approve, in writing with the reason(s) supporting the approval, a selective salary adjustment in order to mitigate an inequity to a specific position. The selective adjustment is subject to availability of funds budgeted by the City Council.

6. **LONGEVITY INCREASE.** An employee whose salary exceeds the maximum range and consistently has received above average performance ratings is eligible to receive a longevity adjustment of 1% based on the annual evaluation. The longevity adjustment will be granted as a lump-sum payment.

7. **COST OF LIVING ADJUSTMENTS (COLA).** When the City Council budgets a cost-of-living adjustment ("COLA"), all grades within the pay scale will be adjusted by that amount. Regular full-time and part-time employees, including crossing guards, are eligible to receive a COLA. Temporary and seasonal employees may not be eligible to receive a COLA; their eligibility would be determined during the budget process. COLA increases will be implemented on the payroll which includes the July 1, unless designated differently by the City Council during the budget process.

8. **ACHIEVEMENT RECOGNITION.** Individual employee bonuses may be granted based upon the department head recommendation and the City Manager's approval.

9. **ORDER OF SALARY CALCULATION.** Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

- A. COLA;
- B. Merit;
- C. Longevity.

10. REASSIGNMENT.

A. Except when due to a demotion, permanent disability, light duty assignment, employee-requested reassignment, or disciplinary action, an employee who is reassigned shall be paid the same salary as received immediately prior to the reassignment. Reassignment may be due to a supervisor action. If an employee requests a reassignment, or applies for a position that is a lower grade, the employee will be compensated according to experience, qualifications, etc., but not more than the top of the pay scale for the lower grade.

B. If an employee requests a reassignment, the employee must apply for an open position and compete with all internal and/or external applicants. However, if the circumstances are such that the reassignment is being requested temporarily (as in the case of an injured and recovering employee), or for safety reasons, the City Manager may approve the reassignment based on those circumstances. The City Manager may also make the determination whether a pay adjustment is warranted upon the reassignment. Employees who are reassigned to a new position for reasons other than demotion or disciplinary action are not rendered subject to a probationary period as with a newly hired employee.

11. RECLASSIFICATION.

A. There may be occasions when a position is reclassified due to market and/or benchmarking data. If the City Manager approves and reclassifies a position to a higher level due to market and/or benchmarking, the City Manager may adjust the incumbent's salary to at least the minimum of the new range, and may give a salary increase based upon the employee's current relationship with that market and/or benchmarking data. A reclassification increase is subject to availability of funds.

B. If the City Manager approves reclassification of a position to a lower level due to market and/or benchmarking data, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, the incumbent is ineligible to receive a salary increase until the salary range increases to incorporate the incumbent's pay rate. An employee is ineligible to receive cost-of-living increases until the salary range increases above the employee's current wage.

SECTION 15
PAYROLL ADMINISTRATION

1. **PAY PERIODS.** The FLSA requires that wages be calculated on a weekly basis for employees not working in “public safety” activities, unless an exception is granted by the Department of Labor.
2. **PAYDAYS.** The City’s paydays are bi-weekly. If payday falls on a holiday, then payday shall be the preceding work day.
3. **DIRECT DEPOSIT.** All wages shall be paid in full to an employee by electronic transfer to the depository institution account designated in writing by the employee.
4. **MINIMUM WAGE/SALARY.** The FLSA requires that the City pay an employee at least the legal minimum wage as a gross wage/salary, minus the legally required pay deductions.
5. **PAY DEDUCTIONS.** The City is permitted to make deductions authorized by the employee and in compliance with the law. Improper deductions should be immediately reported to the supervisor.
6. **CONFIDENTIALITY OF PAYROLL AMONG EMPLOYEES.** Employees should not disclose their pay to other employees or engage in such discussions.

SECTION 16
REIMBURSABLE EXPENSES

1. **GENERAL POLICY.** With prior approval, legitimate actual expenses incurred by an employee on the City's behalf will be reimbursed by the City upon the employee's presentation of accurate receipts. Reimbursement may be in the form of petty cash or a separate check, as determined by the City. Records shall be kept reflecting the basis and amount of each reimbursement.
2. **TRAINING AND CONFERENCES.** If required to attend training seminars, conferences, briefings or to gather information, a full-time nonexempt employee will be paid for a regular work day and will be granted compensatory time for worked hours exceeding 40 in that work week. A part-time employee will be paid for hours worked.
3. **TRAVEL POLICY.**
 - A. All travel outside of Salt Lake County during City work hours must be authorized by the supervisor.
 - B. Travel for legitimate City purposes in City vehicles may be authorized when the use of the vehicle does not detract from the City's operational needs. Overnight use of City vehicles for travel purposes shall be subject to prior approval by the supervisor.
 - C. City vehicles requiring repairs while being used for authorized travel shall be paid by the employee, with receipts being kept for reimbursement.
 - D. Air fares or other travel arrangements for overnight trips should be made and paid for in advance. If advance payment is not possible, the City shall reimburse the employee for the cost of the travel expenses after receiving appropriate receipts showing that the employee has expended personal funds for such purposes. Receipts must be submitted for prepaid expenses.
 - E. Use of an employee's personal vehicle may be authorized by the supervisor when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to their supervisor based upon this record. The mileage rate will be consistent with the established rate allowed by the IRS as reimbursement without cost documentation.
 - F. All registration fees for conferences, etc., should be paid in advance. If this is not possible, the employee will be reimbursed for personal expenditures for registration fees, etc. after presentation of a valid receipt in conjunction with previously authorized travel.
 - G. City employees engaged in travel on the City's behalf shall be reimbursed the GSA rate of per diem for food. The City will cover actual hotel costs involved in the travel as per appropriate approval.
 - H. Travel time involved in attending conferences/training will be considered hours worked for non-exempt employee work time calculations.

SECTION 17

BENEFITS

This section is augmented and/or modified annually by the Cottonwood Heights Benefits Book.

1. **GENERAL ELIGIBILITY CRITERIA.** Eligible employees are offered various insurance, retirement and wellness benefits. Information summarizing these benefits is provided to participating employees periodically and as required by law. The programs outlined below are described in the Cottonwood Heights Benefits Book and in official documents available from the HR Director. Those documents are controlling and should be reviewed when specific questions arise.
2. **WORKERS' COMPENSATION.** The City provides workers compensation insurance through the Utah Local Governments Trust. This coverage provides benefits for work-related illness or injury. All work-related illness and injuries should be reported immediately to the employee's supervisor and/or the City Manager.
3. **LONG-TERM AND SHORT-TERM DISABILITY COVERAGE.** The City provides both short-term and long-term disability coverage for qualifying illnesses or disabilities.
4. **MEDICAL, DENTAL, VISION AND LIFE INSURANCE COVERAGE.** Medical, dental, vision and life insurance plans are available to eligible City employees through city-determined providers. Subject to budgetary constraints, the City will pay a dollar amount of the total cost of the base plan of insuring the employee and eligible dependents. In May or June of each year, there will be an open enrollment period for changing the coverage options. Basic life insurance coverage on the employee and eligible dependents is included in the medical coverage and additional coverage may be elected and paid for by the employee.
5. **WAIVER OF HEALTH INSURANCE COVERAGE.** Employees, eligible for health insurance coverage, can elect to waive insurance coverage and have the funds directed to their paycheck, or direct the City to use a portion of the premium as a contribution to the employee's 457 or 401(k) retirement account subject to certain terms and conditions.
6. **COBRA.** The federal Consolidated Omnibus Budget Reconciliation Act ("**COBRA**") gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" normally would result in the loss of eligibility.
7. **SECTION 125 FLEX BENEFIT PLAN.** The City offers a qualified IRS section 125 Flex Benefit Plan that eligible employees may utilize for both medical and dependent care expenses with pre-tax dollars.
8. **STATE AND FEDERAL UNEMPLOYMENT.** All employees are covered by state and federal unemployment benefits.
9. **RETIREMENT SYSTEM.** The City participates in the Utah State Retirement System, and eligible City employees are covered as provided by the Utah State Retirement System.
10. **SOCIAL SECURITY/FICA.** The City is exempt from participation in the federal Social Security program; consequently, regular City employees do not participate in, and do not accrue benefits under, the federal Social Security program. All employees eligible for retirement benefits are required to participate in the Medicare portion of the FICA tax.
11. **DEFERRED COMPENSATION/SAVINGS PLAN.** The City has determined that both the employee and employer portion of the FICA tax is paid to each regular employee's Section 457 retirement plan.

12. **TUITION REIMBURSEMENT.** Subject to budgetary constraints and certain other conditions, the City may provide financial assistance to its employees for courses of study which are directly related to the employee's current position or are beneficial to the City. Employees must have worked for the city for one year; must be full-time; must complete the course with a passing grade, or B- or better; and if employment is not continued for 24 months, the employee will have to pay back a specified amount to the City.

13. **RECREATION CENTER.** The Cottonwood Heights Parks and Recreation Special Service Area has offered full-time City employees the option to join its recreation center for ½ the rate charged to area residents.

14. **HOLIDAYS.** City offices are closed in recognition of certain scheduled holidays, and the City provides time off with pay to its regular employees. A floating personal holiday is also available to the City's regular employees during each City budget year.

15. **PTO, VACATION AND SICK LEAVE.** It is the City's policy to provide paid time off for full-time and part-time, regular, non-sworn employees in order to provide employees the flexibility to take time off from work for the reasons the employee chooses including vacation, sickness, bereavement, etc. Vacation and sick leave is provided to sworn employees under a program applicable only to those employees.

16. **OTHER.** Subject to budgetary constraints, the City may pay provide additional benefits.

SECTION 18
FAMILY AND MEDICAL LEAVE ACT (FMLA)

1. GENERAL POLICY.

A. In accordance with the 1993 Family Medical Leave Act ("FMLA"), the City allows employees to take 12 weeks of unpaid leave for a serious illness, the serious illness of a family member, or for the birth or adoption of a child. During this time, employment and health benefits will be protected. The amount of FMLA leave available to an employee at any given time is measured by a "rolling" 12-month period, counted backward from the first day of each occurrence of an FMLA leave. No more than 12 weeks of FMLA leave may be taken in any such rolling 12-month period.

B. A family and medical leave of absence is an unpaid leave of absence. However, employees are required to use any accrued PTO and compensatory time, as appropriate, during the FMLA leave; any remaining weeks will be unpaid. A family and medical leave may be taken intermittently or as a reduced work schedule under certain circumstances.

C. An FMLA leave of absence must be approved by the City Manager. Those seeking an FMLA leave of absence must contact the HR Director for counseling in preparation of the application in order to review the FMLA policies, including use of PTO and continuation of benefits.

2. ELIGIBILITY CRITERIA. To be eligible for an FMLA leave, an employee must:

- A. Have been employed by the City for at least 12 months; and
- B. Have worked at least 1,250 hours for the City in the previous 12 months.

3. WHAT QUALIFIES AS AN FMLA LEAVE? An FMLA leave can be granted for:

- A. The birth, adoption or foster care placement of a child.
- B. A serious health condition that prevents the employee from doing the essential functions of his or her job.
- C. To care for a child, spouse, or parent with a serious health condition.
- D. Military leave.
- E. Military caregiver leave.

4. NOTICE. Employees must give 30 days' prior notice of intent to take leave when it is known in advance, or as much prior notice as possible if the leave is for unforeseen reasons.

5. COMMENCEMENT. FMLA leave begins on the first date of approved leave, paid or unpaid. If the employee is unable to return to work on the approved date, the employee must notify HR Director two weeks in advance and an extension of leave must be approved by the City Manager.

6. ADDITIONAL INFORMATION. FMLA is complicated, and additional information regarding FMLA will be provided in the benefits booklet. **It is imperative that you have a consultation with the HR Director regarding FMLA leave, so that all policies can be explained in full detail. If you cannot take care of this due to your own unforeseen serious illness, please authorize someone to do this on your behalf.**

SECTION 19

LEAVE

1. ABSENT WITHOUT LEAVE.

A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action up to and including termination.

B. Any employee who is absent for three or more consecutive work days without authorized leave shall be deemed to have voluntarily terminated employment without notice. Where extenuating circumstances are found to have existed, the supervisor may determine that such absence is not to be deemed a voluntary termination and may grant leave without pay as the circumstances dictate.

2. PAID TIME OFF (PTO) - NON-SWORN EMPLOYEES.

A. General Policy. It is the policy of the City to provide paid time off ("PTO") for regular full-time and regular part-time non-sworn employees. PTO affords the flexibility to take time off from work for the reasons chosen by the employee, including vacation, illness, emergencies and bereavement. Each regular employee is required to use a minimum of five days of PTO per year. Without the prior approval of the City Manager, PTO may not be used after notice of termination of an employee's employment by the City.

B. Usage.

(1) PTO leave must be authorized by the employee's immediate supervisor, preferably with at least one week's prior notice of the usage.

(2) PTO must be utilized in a minimum of quarter-hour increments for nonexempt employees. FLSA requires exempt employees to take PTO in a minimum of eight-hour increments.

(3) Except during the first 12 months of employment, deficit balances in an employee's PTO account are prohibited except for extraordinary circumstances acceptable to the City Manager.

(4) Immediate supervisors may deny requests for PTO leave based on scheduling needs of the department. Preference for requested leave may be given (a) to full time regular employees over part-time regular employees, (b) regular employees over other employees, (c) based on seniority as a City employee; and (d) to encourage the use of PTO by employees who have significant accruals of PTO.

(5) PTO usage that is not pre-authorized may require substantiation by the employee, such as a doctor's signed excuse for illness or similar evidence, at the discretion of the City Manager.

(6) After the first 12 months of employment, PTO must be accrued prior to use. If an employee uses more PTO than has been accrued, the employee will be considered absent without leave and subject to discipline.

(7) Full time employees are eligible to have PTO bought out (purchased) by the City pursuant to the following guidelines:

(a) Leave year runs July 1 to June 30. On Junest of each year employees must have used 40 hours of PTO in the prior 12 months (June 1 of prior year through May 31 of current year) to be eligible.

(b) Employees must have more than 120 hours of unused, accrued PTO as of June 1 to participate. The City will only purchase accrued PTO above the 120 hours.

(c) The City may purchase up to 80 hours of PTO from the employee, which will be paid out according to the following PTO vesting schedule.

PTO ACCRUAL

YEARS OF SERVICE	ACCRUAL RATE PER PAY PERIOD	MAXIMUM ACCRUAL OF HOURS	% VESTED AT SEPARATION
Less than 1	6.16	N/A	0
1 to 5	6.16	480	50%
6 to 10	7.39	480	65%
11 to 15	8.62	480	80%
16 and Over	9.85	480	80%

3. VACATION/SICK LEAVE - SWORN EMPLOYEES.

A. General Policy. As of July 1, 2014, sworn employees became subject to a vacation/sick leave policy and no longer participate in the PTO policy applicable to non-sworn employees except to the extent that a sworn officer had unused, accrued PTO as of June 30, 2014. A sworn employee's unused balance of PTO as of June 30, 2014, up to a maximum of 480 hours, will carry over and will be used first for any future time off that would be considered sick leave or vacation under the policy applicable to sworn employees after June 30, 2013, until it is reduced to a zero balance. If there is unused, accrued PTO remaining at time of termination of employment, those PTO hours will be compensated at the vested rate of the employee as of June 30, 2014, and according to the June 30, 2014 PTO policy.

B. Vacation Leave.

(1) Eligibility.

(a) From and after July 1, 2013, regular full-time and part-time sworn employees accrue and are eligible to use accrued vacation leave.

(b) Probationary sworn employees accrue vacation but are prohibited from using vacation leave prior to completing one month of employment with the City.

(c) If a sworn employee has had his or her service date adjusted in accordance with current policy, the adjusted service date will be used for the purpose of determining the rate of vacation accrual.

(d) Without the prior approval of the City Manager, vacation leave may not be used after notice of termination of an employee's employment by the City.

(2) Vacation Leave Accrual.

(a) Full time sworn employees shall accrue vacation according to the following schedule:

YEARS OF SERVICE	PER MONTH	MAXIMUM ACCRUAL OF HOURS
Less than 1	8	320
1 through 8	8	320
9 through 16	12	320

(b) Vacation leave accrual is capped at 320 hours. Vacation leave in excess of 320 hours, as of the last payroll in the fiscal year, shall be forfeited.

(c) A sworn employee who is terminated or resigns voluntarily shall be compensated for unused accrued vacation leave.

(d) There is no provision for buy back of accumulated vacation leave each fiscal year for sworn employees as there was for PTO before July 1, 2013.

C. Sick Leave. All regular full-time and part-time sworn employees accrue and are eligible to use accrued sick leave.

(1) Sick Leave Accrual.

(a) Eligible sworn employees shall accumulate sick leave hours at the rate of eight hours per month.

(b) There is no limitation on the amount of sick leave that may be accrued and carried forward to succeeding years.

(c) Sick leave shall not be accrued during a period in which the employee has been granted leave without pay.

(2) Use of Sick Leave.

(a) Sick leave may be used to cover a sworn employee's absence from work due to their own illness, medical condition, or injury. Sick leave may also be used to cover a sworn employee's absence from work to care for an ill or injured member of that employee's immediate family based on FMLA eligibility

(b) Whenever possible, medical and dental appointments should be arranged during non-working hours. In cases where these appointments must take place during working hours, the time off may be used as sick leave.

(c) Sick leave shall not be used until the sworn employee has completed one month of employment.

(3) Notification of Illness.

(a) A sworn employee who is unable to report for work because of illness, injury, or medical condition is required to notify, by **personal contact**, the employee's immediate supervisor in sufficient time to ensure proper coverage of assigned responsibilities, and in all cases, prior to the employee's scheduled work time.

(b) When the immediate supervisor cannot be contacted, the sworn employee will notify the next available supervisor in the chain of command by personal contact.

(4) Medical Documentation.

(a) Sick leave in excess of three days for any one illness, injury, or medical condition shall be documented by a physician letter or other documentation acceptable to the Police Chief. Such documentation will be submitted by the sworn employee to the employee's supervisor within 24 hours after the sworn

employee returns to work. The supervisor will forward such documentation to the HR Director for filing in the sworn employee's confidential medical file.

(b) The Police Chief or a sworn employee's supervisor may, in their discretion, require a sworn employee to document any illness, injury, or medical condition resulting in sick leave use and/or require the documentation prior to allowing the employee to return to work or approving the employee's sick leave use.

(5) Use of sick leave which is not authorized or documented as required by policy is abuse of sick leave and is grounds for disciplinary action.

(6) Sworn employees shall not be allowed to use sick leave for any period of time beyond unused sick leave already accrued.

(7) Accrued sick leave will run concurrent with short-term disability, long-term disability and FMLA leave.

(8) There is no provision for buy back of accumulated sick leave each fiscal year for sworn employees as there was for PTO before July 1, 2013.

(9) Termination.

(a) Sworn employees who terminate employment, for reasons other than retirement, shall not be compensated for any unused sick leave.

(b) Sworn employees retiring pursuant to the provisions of the Utah State Retirement Act and the Utah Public Safety Retirement Act (20 years for a Tier 1 employee and 25 years for a Tier 2 employee), or those sworn employees that were hired by the City prior to October 1, 2008, shall be paid for 25% of their accumulated sick leave at their current daily rate of pay.

(3) If a sworn employee's employment by the City is reinstated in accordance with the Cottonwood Heights Police Department Reinstatement Policy, that employee's accumulated sick leave hours shall be restored.

4. HOLIDAY LEAVE.

A. The City is closed in recognition of certain scheduled holidays and provides time off with pay to its regular employees on such occasions.

B. If a holiday falls on Saturday, then the preceding Friday will be the holiday, if it falls on Sunday, then the following Monday will be the holiday.

C. Holidays shall not apply to an employee who has voluntarily resigned and such holiday is the employee's last day of work.

D. Due to the nature of scheduling in the City's police department, sworn employees will accrue holiday hours on a quarterly basis. Hours for the quarter will be added on the first day of the quarter and must be used by the end of the quarter in which accrued. Any holiday hours left on the books after the end of the quarter will be removed. Hours will be accrued as follows:

First Quarter:	(July through September)	24 hours added July 1 to be used by September 30
Second Quarter:	(October through December)	32 hours added October 1 to be used by December 31
Third Quarter:	(January through March)	24 hours added January 1 to be used by March 31

5. **MATERNITY LEAVE.** Maternity leave falls under the Family Medical Leave Act.
6. **INJURY LEAVE.** Leave for on-the-job injuries are covered by the City's workers' compensation coverage and by any available disability insurance coverage. Leave for off-the-job injuries are covered by any available disability insurance coverage.
7. **EMERGENCY LEAVE.** The supervisor may allow an employee reasonable time off with pay, not to exceed three working days with pay, in case of a *bona fide* emergency established to the City's satisfaction. Time off will be charged to the employee's PTO account. The City Manager shall have the authority to grant longer leaves in unusual emergency situations. During an emergency leave period in excess of 30 calendar days, the employee's PTO shall not accrue. All existing PTO shall be exhausted before paid emergency leave creating a PTO deficit is invoked.
8. **MILITARY LEAVE.** A regular employee shall be granted a leave of absence for active service in any branch of the armed forces of the state of Utah or the United States as provided in UTAH CODE ANN. §39-3-1, *et seq.* An employee who is entitled to a leave of absence under this provision shall on receipt of his orders promptly provide a copy of the relevant non-restricted portion of such orders to his supervisor and Human Resources. The City acknowledges that **USERRA APPLIES TO ALL PUBLIC AND PRIVATE EMPLOYERS IN THE UNITED STATES, REGARDLESS OF SIZE. THE DEFINITION OF "SERVICE IN THE UNIFORMED SERVICES" UNDER USERRA COVERS ALL CATEGORIES OF MILITARY TRAINING AND SERVICE, INCLUDING DUTY PERFORMED ON A VOLUNTARY OR INVOLUNTARY BASIS, IN TIME OF PEACE AND WAR.**
- A. Employees hired before July 1, 2009. A regular employee shall be granted leave with compensation for work days lost while on active duty in the National Guard or in the armed forces reserves for the purpose of annual encampment, field competitions or other required duties in connection with reserve training and instruction. Paid military leave shall not exceed 90 hours in any one calendar year. (*See UTAH CODE ANN. §39-3-1, et seq.*). This benefit will remain in place during the employee's current military commitment. If the employee signs up for further military commitment, the employee service under that further commitment will then be governed by the policy for employee hired after July 1, 2009.
- B. Employees hired after July 1, 2009: A regular employee shall be granted leave for work days while on active duty in the National Guard or in the armed forces reserves for the purpose of annual encampment, field competitions or other required duties in connection with reserve training and instruction. The City will make the employee whole by compensating the difference between the employee's regular pay and the military pay for up to 90 hours per calendar year (*See UTAH CODE ANN. §39-3-1, et seq.*). The employee must submit proof of military compensation to his supervisor in order to be compensated by the City.
9. **JURY LEAVE.** Employees will be granted leave with pay for jury or witness duty, with no charge against the employee's PTO. If the jury or witness service is completed during regular work hours, the employee is expected to return to work upon completion of the service. Verification of jury or witness duty will be required. All juror fees, witness fees or other compensation received by the employee must be promptly paid over to the City.
10. **ADMINISTRATIVE LEAVE WITH PAY.** An employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.
11. **LEAVE WITHOUT PAY.** No leave without pay is granted until all of the employee's PTO, personal holiday, and other compensatory time is exhausted. Other than FMLA, or as required by law, leave without pay is not allowed without the express written permission of the City Manager.

12. **DOCUMENTATION OF LEAVE.** Some of the above absences must be substantiated by official paperwork (such as a doctor's excuse), which must be submitted to the HR Director as soon as possible. In some cases where official paperwork is not available, the HR Director may request that the employee supply additional information in writing to explain and substantiate the absence.

SECTION 20
GENERAL SAFETY

1. **GENERAL POLICY.** The following general safety rules will apply in all City workplaces:

A. Proper licensing, training and extreme caution are required of all employees operating any type of vehicles or power equipment.

B. Employees shall use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports and hard hats.

C. Employees shall avoid wearing loose clothing and jewelry while working on or near equipment and machinery. Long hair shall be properly secured.

D. All accidents, regardless of severity, shall be reported immediately to the supervisor.

E. Defective equipment shall be reported immediately to the supervisor.

F. In all work situations, safeguards required by state and federal safety orders will be provided.

G. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, without limitation, road repair and construction sites.

2. **PROPER USE OF CITY EQUIPMENT AND TOOLS.** The use of City equipment or tools for private purposes is strictly prohibited. However, reasonable use of City tools and equipment to protect property and preserve life is authorized.

A. Employees shall be required to attend training provided by the City, including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by the City.

B. Employees shall keep City equipment in a clean, presentable, and serviceable condition.

3. **PROPER USE OF CITY VEHICLES.**

A. Use of a City-owned vehicle or another vehicle on City business is at the discretion of the City Manager.

B. A current commercial driver's license ("CDL") is required for all operators of commercial motor vehicles.

C. Operators and passengers in a vehicle equipped with seat belts must wear them when the vehicle is in operation on City business. All employees operating vehicles on City business shall observe all traffic laws.

D. The driving record (State Motor Vehicle Records or "MVR") of employees who operate City-owned vehicles or other vehicles on City business may be reviewed at least annually. To facilitate MVR reviews by the City, permission for release of the MVR shall be given by all employees who operate such vehicles. Only drivers with a valid driver's license and acceptable MVR, as determined by the City and/or its insurance provider, will be allowed to drive City vehicles or other vehicles on City business.

E. Any employee using a City vehicle which malfunctions should promptly report the problem to the supervisor, who will coordinate repairs to such vehicle.

SECTION 21
EMPLOYEE WEAPONS AND BADGING

1. GENERAL POLICY.

A. Weapons. Some employees may wish to carry gun for personal protection if authorized under applicable state law. If an employee does so he/she must understand that sworn police officers and authorized fire investigators are the only City employees authorized to use deadly force when acting for and in behalf of the City. Under no circumstances will any other employee use deadly force as a function of their job with the City. If an employee that is not a sworn police officer or authorized fire investigator of the City uses deadly force he/she will not have the immunities or be entitled to the same indemnity afforded sworn police officers and authorized fire investigators.

B. Badges. Badges shall not be issued to employees unless they have ordinance or law enforcement responsibilities unless they have certified as an SFO (Special Function Officer) or LEO (Law Enforcement Officer) as prescribed by POST. Exceptions include the City Manager and the Mayor in the form of a badge to be used for access and identification in case of emergencies, but are not be used for law enforcement purposes.

SECTION 22

UTAH OSHA REQUIREMENTS

1. **GENERAL POLICY.** It is the City's policy to endeavor to maintain a work environment that is free from recognizable hazards likely to cause death or serious injury to any employee.

2. **POSTING UOSHA NOTICES.** The City will post all required UOSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the HR Director or designee when they have questions about any of the standards under UOSHA.

3. **INSPECTION PROCEDURES.** All employees should follow the procedures listed below in the event an inspector from UOSHA presents himself on the job site.

A. An employee is not authorized to offer any information requested by the inspector.

B. The employee will inform the inspector that the employee will contact the City Manager, supervisor or designee, who will accompany the inspector during any inspection.

C. The City Manager should assure that all employees know who they are required to contact, including all alternates, in the event an UOSHA inspector visits the job site.

D. If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the City Manager (or designee) should ask the inspector to reveal his credentials and should examine them before allowing any inspection to proceed.

E. If the credentials are appropriate, and before beginning the inspection, the City Manager should ask the inspector the reason for the inspection. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the City Manager should request a copy of the complaint to help the City correct any safety problems. (Under no circumstances may the information received from an employee's UOSHA complaint be used for disciplinary action against the employee).

F. The City Manager should accompany the inspector during the entire inspection of the job site.

H. The City Manager should take written notes throughout the entire inspection, noting every comment and observation made by the inspector. No City employee accompanying the inspector should volunteer any unsolicited information.

4. ACCIDENT REPORTING PROCEDURES.

A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the City Manager or HR Director, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the City Manager (or designee) shall be subject to disciplinary action, up to and including termination.

B. The City Manager or supervisor will investigate the job related injury to determine the cause of the injury.

C. The City Manager or designee shall contact UOSHA within 12 hours after the occurrence of any job-related death, disabling, serious, or significant injury, and/or any occupational disease.

D. The City Manager or designee shall file the required report with UOSHA within seven days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.

E. The City Manager or designee shall keep a copy of each UOSHA report in its UOSHA file.

F. The City Manager or designee shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work-related injury or occupational disease.

G. If an employee later dies as a result of work-related injury, the City Manager or designee shall file a report with UOSHA within seven days after the City's first knowledge or notification of such death.

SECTION 23
CONFINED SPACE ENTRY

1. **GENERAL POLICY.** The City shall have a written confined space entry policy if required in accordance with Volume 29, CODE OF FEDERAL REGULATIONS §1910.146 or its successor.
2. **REQUIREMENTS.** When required, the written confined space entry policy shall include at least the following:
 - A. Annual training on confined space issues.
 - B. A review of potential confined spaces at the City's workplace.
 - C. A permitting system for entering permit-required confined spaces.
 - D. A rescue plan for managing confined space incidents.
 - E. Protocols for managing contractors doing work in the City's confined spaces.
 - F. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit.

SECTION 24
DISASTER RESPONSE PLANNING

The City has developed an emergency management plan. In the event of an emergency or disaster, all employees must adhere to the City's emergency management plan to the maximum extent possible and practicable. Subject to training, some employees will have specific functions to perform in the event of an emergency or disaster.

SECTION 25
GUIDELINES FOR PARTICIPATING IN ELECTIONS

1. **GENERAL POLICY.** A City employee who has filed a declaration of candidacy may (1) be given a leave of absence for the period between the primary election and the general election; and (2) use any vacation or other leave available to engage in campaign activities. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for adverse employment action, including discipline and termination, against the employee.

2. **CANDIDATE REQUIREMENTS.**

A. A City officer or employee may not engage in political campaigning during hours of employment with the City.

B. A City officer or employee may not solicit political contributions during hours of employment with the City.

C. A City officer or employee may not use municipal equipment while engaged in any political activity.

D. A City officer or employee may not attempt to make another City officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

E. A City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer or employee's salary, compensation, time, or anything else of value to a political party, committee, organization, agency, or person for political purposes.

F. A City officer or employee shall not promise any appointment to any position with the City as a reward for any political activity.

G. A City employee who is elected as a City officer shall terminate the City employment prior to being sworn into the elected office.

H. The City's elected officers are prohibited from accepting employment with the City for a period of two years following the termination of the officer's term of office.